



**COUNCIL OF
THE EUROPEAN UNION**

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TRANSPARENCY

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
OCTOBER 1999

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in October 1999. It 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, as well as explanations of voting.

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question, and the information contained in Annexes I and II hereto, are available to the public on the Internet at the "Eudor" website (<http://www.eudor.com>; see "Transparency of the Council's legislative activities");

- in **Annex III**, a list of the other acts ¹ adopted by the Council in October 1999, with a reference, where appropriate, to voting results, explanations of voting and statements which the Council has decided to make public.

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

OCTOBER 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
2205th Council meeting (Economic and Financial Questions) on 8 October 1999 Council Regulation laying down detailed rules for the implementation of Regulation (EC) No 2494/95 as regards minimum standards for the treatment of products in the health, education and social protection sectors in the Harmonised Index of Consumer Prices	10829/99	233/99, 234/99, 235/99	E/I/L against
2208th Council meeting (Labour and Social Affairs) on 22 October 1999 Council Regulation amending Directive 77/388/EEC as regards the possibility of applying on an experimental basis a reduced VAT rate on labour-intensive services	11548/99 + COR 1 (es) + COR 2 (p) + COR 3 (s) + COR 4 (nl)	236/99, 237/99, 238/99, 239/99, 240/99, 241/99	
Legislative acts adopted following 2nd reading by the European Parliament under the co-decision procedure (28 October 1999) • European Parliament and Council Decision relating to the Socrates programme to include Turkey among the beneficiary countries • European Parliament and Council Decision relating to the third phase of the Youth for Europe programme to include Turkey among the beneficiary countries	12269/99 + COR 1 (en)		

STATEMENT 233/99**Statement by the Commission**

"The Commission undertakes to assist Member States in the timely application of this Regulation, in particular Article 4(2)(d). To this end, it will call upon experts in Member States to provide relevant guidelines on practical and comparable methods of implementation."

STATEMENT 234/99**Statement by the Austrian delegation**

"This is an index segment where predominantly non-market prices are to be dealt with (in the National Accounts: "economically non-significant prices", i.e. provision of health, education and social protection products). There are specific difficulties involved in this kind of price observation, which are most striking in the case of income dependent pricing but are similarly present in other variants of such price formation, too. Notoriously, there are significant differences between market prices and those of the non-market sector within countries as well as between the various countries with respect to non-market price formation itself. While from the point of consumers (private households) these difficulties may not matter so much, it is indispensable to pay attention to them to ensure adequate analysis and interpretation. This issue will therefore have to be explicitly addressed in the reports to be submitted by the Commission to the Council."

STATEMENT 235/99

Statement by the Italian delegation

"In this Regulation, notably in Article 4(2), a principle is to be adopted without any appraisal of the most suitable methodology for applying it or of its practical implications.

The application of this principle would mean, within a single country, using non-uniform criteria for calculating the various items included in the basket, and the lack of clear guidance as to methodology would severely detract from the index's comparability between Member States, rendering it less meaningful. We would also point out that to apply this principle in practice requires data for which consolidated statistical sources are not available.

On account of these problems, Italy opposes the adoption of the principle set out in Article 4(2) of the Regulation and requests more detail with regard to implementing the Regulation in order to improve the comparability of the indices of the various Member States."

STATEMENT 236/99

"The Commission and the Council state that any exceptional case which may lead to an authorisation of a Member State to apply the reduced rate to services in three of the categories mentioned in Annex K includes in particular the case where the economic weight of the services concerned is of little importance."

STATEMENT 237/99

"The Commission and the Council state that this Directive has no influence on the transitional provisions of Article 28 of the sixth VAT Directive, which allow some Member States to continue to apply reduced rates to certain supplies of goods or services."

STATEMENT 238/99

"The Commission undertakes to examine positively a request from Portugal to apply a reduced VAT rate on restaurant services. The Council agrees to this in the belief that it allows Portugal to continue existing practice."

STATEMENT 239/99

"The Commission undertakes to transmit without delay to the Member States the German application pursuant to Article 27 of the Sixth Directive to be allowed to introduce a measure for derogation from Article 6(2) and Article 17 of the Sixth Directive (limitation of the right to deduct input tax) and to submit to the Council a relevant proposal for a Decision so that the Council may decide upon it at the same time as it decides upon the requests for authorisations presented under this Directive."

STATEMENT 240/99

"The Commission undertakes to examine positively a request from Austria for a prolongation of the derogation accorded under the Accession Treaty to apply a reduced rate to the letting of immovable property for residential use and to submit it to the Council as soon as possible so that the Council may decide upon it at the same time as it decides upon the requests for authorisations presented under this Directive."

STATEMENT 241/99

"The German delegation agrees to the Directive in the expectation that it will be applied in a restrictive manner."

OCTOBER 1999	
OTHER ACTS	Votes made public
2203rd Council meeting (Justice and Home Affairs) on 4 October 1999	
Council Act adopting the Financial Regulation applicable to the budget of Europol and repealing Council Act 1999/C 25/01 10096/99	
Council Decision concerning the conclusion of the Cooperation Agreement between the European Community and the Kingdom of Cambodia 6828/97 + COR 1 + COR 2 (dk) + COR 3	
Council Regulation prohibiting the sale and supply of petroleum and certain petroleum products to certain parts of the Federal Republic of Yugoslavia (FRY) and repealing Regulation (EC) No 900/1999 11326/99	
2206th Council meeting (General Affairs) on 11 October 1999	
Council Regulation concerning a ban on the supply to Indonesia of equipment which might be used for internal repression or terrorism 11523/99	
Council Joint Action repealing Joint Action 98/375/CFSP concerning the nomination of an EU Special Representative for the Federal Republic of Yugoslavia (FRY) 11551/99	
Council Joint Action amending Joint Action 96/676/CFSP in relation to the nomination of an EU Special Envoy for the Middle East Peace Process 11527/99	
Council Regulation imposing a ban on flights between the territories of the Community and the Federal Republic of Yugoslavia other than the Republic of Montenegro or the Province of Kosovo, and repealing Regulation (EC) No 1064/1999 11327/99	
Council Common Position concerning the extension of Common Position 96/635/CFSP on Burma/Myanmar 11681/99	

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OTHER ACTS	Votes made public
Written procedure completed on 20 October 1999 Council Decision determining the appointing authority for the General Secretariat of the Council 11832/99 2208th Council meeting (Labour and Social Affairs) on 22 October 1999 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 framework for Community action in the field of water policy 9085/2/99 Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council concerning the financial instrument for the environment (LIFE) 10233/1/99 Council Decisions on (a) the conclusion of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, and on accepting the Annexes to that Protocol (Barcelona Convention) 9679/99 (b) acceptance of the amendments to the Protocol for the protection of the Mediterranean sea against pollution from land-based sources (Barcelona Convention) 9680/99 (c) acceptance of the amendments to the Convention for the protection of the Mediterranean Sea against pollution and to the Protocol for the prevention of pollution by dumping from ships and aircraft (Barcelona Convention) 9681/99 Council Regulation opening a Community tariff quota for the import of meat of bovine animals, boneless, dried 10488/99 Council Regulation concerning the tariff quota for butter of New Zealand origin 11344/99 + COR 1 (d)	

OCTOBER 1999	
OTHER ACTS	Votes made public
Council Decision implementing Common Position 98/633/CFSP concerning the process of stability and good-neighbourliness in South-east Europe 12071/99 Council Common Position on support to democratic forces in the Federal Republic of Yugoslavia (FRY) 11690/99 2210th Council meeting (Internal Market) on 28 October 1999 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Council Directive 74/60/EEC on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (interior parts of the passenger compartment other than the interior rear-view mirrors, layout of controls, the roof or sliding roof, the backrest and rear part of the seats) 9935/99 Council Resolution integrating history into the Community's cultural action 11451/99 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption 9947/99 + COR 1 (i) + COR 2 (gr) + COR 3 (f) <u>Belgian delegation's explanation of its vote</u> <i>Belgium cannot agree to the draft Directive submitted for the Council's approval.</i> <i>It considers the Directive detrimental to <u>quality chocolate</u>.</i> <i>The harmonisation of the use of vegetable fats has made what was <u>a derogation</u> accorded to a few Member States into <u>a general rule</u>.</i> <i>Belgium does not see this Directive as contributing to the process of legislative simplification but as making fundamental changes in the composition of chocolate products.</i>	B/NL against L abstention

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OTHER ACTS	Votes made public
<i>The Belgian delegation deplores the fact that there has been <u>no serious study</u> of this Directive's impact on cocoa-producing countries, in particular <u>the ACP States</u>, the European Community's long-standing contractual cooperation partners.</i> <i>Belgium cannot endorse a Directive which seeks to harmonise conditions for producing and marketing chocolate but at the same time continues to apply an <u>exception</u> regarding sales names for <u>two countries</u>. This is pick-and-choose harmonisation that accommodates only some Member States' industries.</i> <i>The lack of a <u>reliable method of analysis</u> coupled with the fact that not all chocolate products are covered by the vegetable fat provisions will tend to <u>mislead consumers</u>. The proposed labelling provisions do not ensure that consumers are fully and clearly informed.</i> <i>For all these reasons Belgium continues to believe that this is not a good draft Directive.</i> <u><i>Explanation of vote by the French delegation</i></u> <i>France continues to attach particular importance to the quality of chocolate. It feels that harmonisation must at all costs protect the legitimate interests of consumers and of the ACP cocoa-producing countries.</i> <i>It acknowledges the merits of the compromise worked out by the Presidency, which has achieved a degree of balance between national positions which were originally very divergent. France supports the compromise, but would emphasise that it will remain especially vigilant on a number of essential points: validation by the Commission of a reference method for quantifying vegetable fats other than cocoa butter before the Directive enters into force; detailed impact study to be carried out by the Commission in the light of experience acquired and before any revision of the positive list of those vegetable fats; effective implementation of the labelling requirements.</i> <i>France also feels that, as the subject is so sensitive, future adjustments of the substantive technical provisions of the Directive should remain a matter for the legislator.</i>	