



**COUNCIL OF
THE EUROPEAN UNION**

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TRANSPARENCY

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
SEPTEMBER 2002

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in September 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 acts¹ adopted by the Council in September 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.

SEPTEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
2448th Council meeting (Agriculture/Fisheries) • 23 September 2002 Council Regulation amending Directive 70/524/EEC concerning additives in feedingstuffs as regards withdrawal of the authorisation of an additive and amending Commission Regulation (EC) No 2430/1999 Regulation of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption Trans-European networks a) Decision of the European Parliament and of the Council amending Decision No 1720/1999/EC adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administrations (IDA) b) Decision of the European Parliament and of the Council amending Decision No 1719/1999/EC on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations (IDA)	11730/02 PE-CONS 3641/02 PE-CONS 3642/02 + COR 1 (sv) PE-CONS 3643/02 + COR 1 (sv)	 135/02	Qualified majority NL/S against Qualified majority Qualified majority Qualified majority

SEPTEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Directive of the European Parliament and of the Council concerning life assurance (25.09.2002)	Ref. 12090/02		Qualified majority
Regulation of the European Parliament and of the Council on the Common Procurement Vocabulary (25.09.2002)	Ref. 12091/02		Qualified majority
2451st Council meeting (COMPETITIVENESS) (Internal Market, Industry and Research) on 30 September 2002			
Directive of the European Parliament and of the Council on insurance mediation	PE-CONS 3639/02 + COR 1 (de, en, el, pt, sv)	138/02	Qualified majority
Implementation of the Sixth Research Framework Programme (EC and Euratom (2002-2006)		139/02, 140/02, 141/02, 142/02, 143/02, 144/02, 145/02, 146/02, 147/02	
Council Decision adopting a specific programme for research, technological development and demonstration: "Integrating and strengthening the European Research Area" (2002-2006)	11385/02		1 against Qualified majority
Council Decision adopting a specific programme for research, technological development and demonstration: "Structuring the European Research Area" (2002-2006)	11386/02		Qualified majority

SEPTEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Council Decision adopting a specific programme of research, technological development and demonstration to be carried out by means of direct actions by the Joint Research Centre (2002-2006)	11384/02		Qualified majority
Council Decision adopting a specific programme (Euratom) for research and training on nuclear energy (2002-2006)	11382/02 + COR 1 (nl, en, sv)		Unanimity
Council Decision adopting a specific programme for research and training to be carried out by the Joint Research Centre by means of direct actions for the European Atomic Energy Community (2002-2006)	11383/02		Unanimity

STATEMENT 135/02**Statement by the Swedish and Netherlands delegations**

"Sweden and the Netherlands consider that this Regulation is of the utmost importance, and regret that the ban on feeding catering waste will be subject to derogations. Feeding animals with catering waste poses a real risk of transmission of animal diseases and will make the objective of guaranteeing the quality and full traceability of ingredients in animal feedingstuffs almost impossible to achieve. The suggested wording of the derogation means that it will not be possible to respect the ban on intra species recycling that was agreed upon by all three EC institutions. These objectives are very important in order to retain consumers' confidence. For that reason Sweden and the Netherlands are unable to vote in favour."

STATEMENT 136/02

Statement by the Greek delegation

"The Greek delegation finds it extremely regrettable that the revised ICCAT data were not taken into account when the Greek quota for the bluefin tuna surplus was allocated. It would remind the Council of its statement of December 1999 whereby the Council acknowledged the request by Greece to re-examine catch statistics in the light of the revised ICCAT data."

STATEMENT 137/02

Joint statement by the Council and the Commission

"The Council and the Commission agree that, although for reasons of ensuring equal treatment between fishing vessels it is not appropriate to reduce the current TAC for Sole in sub-area VIII during the fishing year, it will be necessary, when adopting TACs for 2003, to take into account the latest ICES advice, which is likely to recommend a significant reduction in fishing mortality".

STATEMENT 138/02

Joint statement by the Commission and the Council re Article 1(3), subparagraph 2

"The Council and the Commission declare that Article 1(3), subparagraph 2 aims to specify that, according to Community law, a Member State which permits third-country insurance and reinsurance intermediaries to carry on their activities in its territory from outside the Community may not provide for a regime which results in more favourable treatment for those intermediaries than that accorded to Community insurance and reinsurance intermediaries carrying on their activities in its territory under the freedom of establishment and the free provision of services in accordance with this Directive."

STATEMENT 139/02

Specific programmes "Integrating and strengthening the European Research Area" and "Structuring the European Research Area"

Re: Programme management

(a) The Council and the Commission state that:

"The programme committee of each Specific Programme will meet in different configurations according to the nature of issues on the agenda to be discussed.

Regardless of configuration, the committee will always have the competencies of the programme committee as defined in Article 7 of the relevant specific programme decision.

The Commission services will ensure efficiency in the committees' overall work and specific support according to the configuration and agenda of each committee meeting. They will ensure that the agenda of each committee meeting in any configuration will be established in such a way and sufficiently far in advance as to enable Member States' delegations to identify the appropriate representatives for all issues on the agenda of the meeting, and to ensure the presence of appropriate specific expertise taking into account the characteristics of the specific areas involved and covering, as required, in particular:

(i) for the Specific Programme "Integrating and Strengthening the European Research Area":

- Life sciences, genomics and biotechnology for health;
- Information society technologies;
- Nanotechnologies and nanosciences, knowledge-based multifunctional materials and new production processes and devices;
- Aeronautics and space;
- Food quality and safety;
- Sustainable development, global change and ecosystems;
- Citizens and governance in a knowledge-based society.

(ii) for the Specific Programme "Structuring the European Research Area":

- Research and innovation;
- Human resources and mobility;
- Research infrastructures;
- Science and society.

In this context, the agenda of a given meeting should not call upon the specific expertise of more than one of the above themes.

The programme committee for each specific programme will address horizontal draft measures concerning the programme as a whole, including those issues related to overall strategy and coherence.

For the specific programme "Integrating and Strengthening the European Research Area" the committee will also address all horizontal draft measures under the heading "Specific activities covering a wider field of research", as well as the particular draft measures related to "Research in support of policies and anticipating scientific and technological needs", "Horizontal research activities involving SMEs", "Specific measures in support of international cooperation"; and the part on "Strengthening the foundations of the European Research Area", bearing in mind the need to ensure the presence of appropriate specific expertise where relevant.

In the more specific configurations the committee of each programme will address the relevant part of the work programmes and their periodic reviews, including the use of implementation instruments, any subsequent adjustment to their use, the content of the calls for proposals as well as the draft implementing measures concerning the approval of funding of RTD actions within the relevant field.

As for themes encompassing more than one domain, the agenda should be defined in such a way as to ensure, whenever appropriate, both the overall coherence as well as the more specific articulation of themes and expertise. This should apply in particular where calls for proposals and project funding are on the agenda.

The reimbursement of one representative and one expert/adviser, from each Member State, participating in programme committee meetings will be effected from the budget of each respective specific programme in full respect of its budgetary envelope. The reimbursement of the second person (expert/adviser) will not constitute a precedent for committees operating in other fields of Community policy.

(b) The Commission states that:

In order to ensure efficiency and transparency of implementation, it will systematically make available to the Programme Committee comprehensive information covering all the proposals received for RTD actions as well as those eventually funded, regardless of their size.

The Commission will provide the information in a user-friendly form, including whenever possible in electronic form, in time for the Committee to take due account of it, at least two weeks in advance for matters for the committee's opinion and one week for matters for information.

In addition to information periodically made public through the Annual Report under Article 173 of the Treaty, as well as through the monitoring and the 5-year assessment reports, data for each priority or area will be made available during the last quarter of each year that will encompass, in a consolidated presentation, the information regularly supplied to committees on programme implementation and budget execution.

This information will cover all stages, from calls for proposals, through the evaluation of proposed RTD actions, their selection, as well as the signature of contracts and their subsequent implementation.

It will in particular include an overview of each call and for each proposal:

- summary information;
- the evaluation panels' ranking and summary reports; and

- the Commission's intentions as to proposals to be rejected or to be retained for negotiation;
- total budget and requested Community contribution.

The Commission will provide information regularly, and at least annually, on:

- the contracts signed (including partners, areas, content, resources and Member States' participation) and on their major developments, together with
- overviews of programme progress and implementation achievements, as well as
- the lists of persons having acted as evaluators over the previous period once all decisions have been made on the relevant call."

STATEMENT 140/02

Specific programme "Integrating and strengthening the European Research Area"

Re: Article 3, application of ethical principles

"The Council and the Commission agree that detailed implementing provisions concerning research activities involving the use of human embryos and human embryonic stem cells which may be funded under the 6th Framework Programme shall be established by 31 December 2003.

The Commission states that, during that period and pending establishment of the detailed implementing provisions, it will not propose to fund such research, with the exception of the study of banked or isolated human embryonic stem cells in culture. The Commission will monitor the scientific advances and needs as well as the evolution of international and national legislation, regulations and ethical rules regarding this issue, taking into account also the opinions of the European Group of Advisers on the Ethical Implications of Biotechnology (1991–1997) and the opinions of the European Group on Ethics in Science and New technologies (as from 1998), and report to the European Parliament and the Council by September 2003.

The Council states that it intends to discuss this issue at a meeting in September 2003.

In the review of any subsequent proposal submitted to Council when applying Article 5 of the Decision 1999/468/EC the Commission recalls its statement concerning Article 5 of Decision 1999/468/EC, according to which the Commission, in order to find a balanced solution, will act in such a way as to avoid going against any predominant position which might emerge within the Council against the appropriateness of an implementing measure (cf. OJ C 203, 17.7.1999, p. 1).

The Council notes the intention of the Commission to submit to the programme Committee, established under the specific Research programme "Integrating and strengthening the ERA", procedural modalities concerning research involving the use of human embryos and human embryonic stem cells, in accordance with Article 6(3), first indent.

The Council further notes the intention of the Commission to present to Council and Parliament in Spring 2003 a report on human embryonic stem cell research which will form the basis for discussion at an interinstitutional seminar on bioethics.

Taking into account the seminar's outcome, the Commission will submit, based on article 166(4) of the Treaty, a proposal establishing further guidelines on principles for deciding on the Community funding of research projects involving the use of human embryos and human embryonic stem cells.

The Council and the Commission will do their utmost, counting on the support of the European Parliament, to complete the legislative procedure as early as possible and at the latest in December 2003.

The Council and the Commission expect that the above mentioned seminar will contribute, as suggested by the European Parliament, to a Europe-wide and well-structured discussion process on the ethical issues of modern biotechnology, particularly on human embryonic stem cells, in order to enhance public understanding.

The Council and the Commission note that the ethical acceptability of various research fields is related to the diversity among Member States, and is governed by national law in accordance with the principle of subsidiarity. Moreover, the Commission notes that research using human embryos and human embryonic stem cells is allowed in several Member States, but not in others.

Re: COST

"The Council and the Commission share the view of the recent report of the COST Assessment Panel that COST represents a long track record in cross-border cooperation and coordination of nationally financed RTD activities which constitutes a feature of direct relevance to building the European Research Area, while also acknowledging the scope for significant changes to the way COST is organised. Moreover, the Council notes that the Commission will not provide the administrative and scientific secretariat to any COST actions initiated during the Sixth Framework Programme. It notes also that the Commission, recognising that a new COST secretariat may not be fully operational by the end of 2002, is however prepared to continue providing the secretariat to COST actions during a transition period of a few months.

The Council and the Commission note that COST is in a process of being reformed and recognise that, following a successful outcome, and given also the recent expansion of COST and the growth in its number of Actions, a substantial grant from the Sixth Framework Programme could be justified.

The Council welcomes the Commission's intention to become a partner of COST, with a view to further developing synergy between the Framework Programme and COST. The Council invites the Commission to take appropriate steps in this respect."

STATEMENT 141/02

Specific programme "Structuring the European Research Area"

Re: Human resources and mobility

"The Commission states that in the implementation of the human resources and mobility actions under the present Specific Programme, family-related circumstances, such as maternity or paternity leave, will be *inter alia* taken into account, according to national legislations, so that potential beneficiaries will not suffer from the above-mentioned circumstances."

STATEMENT 142/02

Specific programme "Direct actions by the Joint Research Centre" (EC)

"The Commission considers that, according to its mission and when requested, the JRC should support the European Parliament in the conception and implementation process of EU policies. Therefore the Commission welcomes the EP's intention to create an *ad hoc* committee aimed at ensuring an appropriate interface with the JRC.

The Commission wishes to confirm that the JRC multiannual work-program will be available on the JRC web site: <http://www.jrc.org>."

STATEMENT 143/02

Specific programme "Nuclear Energy" (Euratom)

Re: Voting rights at the consultative committee

"The Council and the Commission acknowledge the unanimous agreement of the consultative committee for the fusion research (CCE-FU) on the following weighted voting system, which should be applied within the Committee referred to in Article 6(2), when dealing with fusion related aspects. Accordingly, the Commission will take the appropriate steps in view of the modification of Council Decision of 16 December 1980 – as last amended by Council Decision 95/1/EC, Euratom, ECSC of 1 January 1995 – setting up the consultative committee for the fusion programme.

Belgium	2
Denmark	2
Germany	5
Greece	2
Spain	3
France	5
Ireland	2
Italy	5
Luxembourg	1
Netherlands	2
Austria	2
Portugal	2
Finland	2
Sweden	2
Switzerland	2
United Kingdom	5
Total	44

For the adoption of an opinion, the required majority is 23 votes in favour by at least eight delegations."

STATEMENT 144/02

Statement by Germany and Austria in relation to Article 3 of the specific programme **"Integrating and Strengthening the European Research Area"**

"Germany and Austria emphasise that they maintain their position that, even after the end of the moratorium in December 2003, research using human embryos and human embryonic stem cells, with the exception of stem cells already held in banks or isolated in culture, should not be funded under the 6th Framework Programme. Moreover, Germany and Austria assume that, under the second specific programme, "Structuring the European research area", the Commission will not fund any research activities ineligible for funding on account of the statement for the minutes concerning the first specific programme "Integrating and strengthening the European research area".

STATEMENT 145/02

Statement by Ireland (bioethics)

"Ireland, in supporting the adoption of the specific programmes to implement the Sixth Framework Programme for research, recalls its statements pertaining to research that cannot be carried out in Ireland. Ireland also recalls the Council statement and its joint statement with Italy, Germany, Portugal and Austria, pertaining to the further elaboration of detailed guidelines on ethical aspects.

Ireland welcomes

- the progress achieved to date in the elaboration of detailed implementing provisions;
- the recognition that its laws, regulations and guidelines apply in respect of any research carried out in Ireland;
- the Commission statement regarding non-funding in respect of research activities on human embryos or human embryonic stem cells under the Sixth Framework Programme;
- the Commission's intention to present a proposal in 2003, establishing further guidelines on principles for deciding on Community funding of research projects involving the use of human embryos or human embryonic stem cells. In the course of this process, Ireland, which shares a number of the concerns expressed by Italy, Germany, Portugal and Austria, will continue to focus on the need to ensure utmost respect for human life and the protection of human dignity;
- the establishment of a Regulatory Committee which will consider any project proposals for research funding in ethically sensitive areas."

STATEMENT 146/02

Statement by Italy (bioethics and funding of ITER)

"Italy notes the Council and Commission statements on the "bioethics question" in connection with the adoption of the Specific Programmes implementing the Sixth Framework Programme for research 2002-2006. These statements represent significant progress in the endeavour to reach a joint position. In this context Italy considers that only research using stem cells derived from human embryos at a date preceding today or the date of the launch of the Sixth Framework Programme is admissible for Community funding.

With regard to the Specific Programme on Integrating and Strengthening the European Research Area, Italy must reaffirm its vote against this. In line with the views previously expressed in the Research Council on 10 December 2001 and 3 June 2002 on respect for human dignity and protection of human life, Italy believes that research on human embryos directly or indirectly involving the destruction of the embryo should not be funded under the Sixth Framework Programme.

Regarding the EURATOM Specific Programme on Nuclear Energy, Italy takes a favourable view but points out that the funding provided for the ITER facility should not necessarily be interpreted as an endorsement of the scientific and technological choices made in the design of the facility. Italy believes that these choices should be given further scientific consideration before a final decision is taken on the feasibility of the ITER programme."

STATEMENT 147/02

Statement by Portugal (bioethics)

"Portugal congratulates the Presidency on the efforts it has made in the field of bioethics, without which it would not have been possible to launch the sixth framework programme for research and technological development and the relevant specific programmes.

Portugal can give its agreement to the compromise reached, because it believes that compromise recognises the importance it attaches to issues of bioethics and research as well as the sensitivity of any future financing of research work on human embryo cells and embryonic stem cells. Portugal points out that this is a position shared by a number of other Member States and that it associates itself with many of the concerns which Italy has raised within the Council.

Portugal further stresses that research, especially through the framework programme, plays an important part in economic growth, employment and social cohesion, particularly in the context of a knowledge-based society and economy."

SEPTEMBER 2002	
OTHER ACTS	Votes made public
Written procedure completed on 3 September 2002 Council Regulation amending Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway 11479/02 Written procedure completed on 12 September 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 the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council 9754/02 + COR 1 (it) + COR 2 (da) + COR 3 (fi) + COR 4 (sv) + ADD 1 + ADD 1 COR 1 Written procedure completed on 13 September 2002 Council Decision implementing Common Position 2002/145/CFSP concerning restrictive measures against Zimbabwe 11666/02 Written procedure completed on 19 September 2002 Council Decision authorising the Member States, in the interest of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention) 10677/02 + COR 1 (el) + COR 2 (da) + REV 1 (nl)	

SEPTEMBER 2002	
OTHER ACTS	Votes made public
2428th Council meeting (Agriculture/Fisheries) on 23 September 2002 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 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work 9635/02 + COR 1 (de) + ADD 1 + ADD 1 COR 1 (en) + ADD 1 COR 2 (fr, de, en, el, es, pt, fi) Council Decision on the conclusion of the Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries in the Near East (2002 – 2005) 11733/02 Council Regulation imposing definitive anti-dumping duties on imports of certain welded tubes and pipes, of iron or non-alloy steel, originating in the Czech Republic, Poland, Thailand, Turkey and Ukraine 11613/02 Council Regulation amending the Annex to Regulation (EC) No 2042/2000 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan 11567/02 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 labour cost index 10803/02 + COR 1 + ADD 1 2449th Council meeting (General Affairs and External Relations) on 30 September 2002 Council Decision concerning the conclusion of the Agreement between the European Union and Bosnia and Herzegovina (BiH) on the activities of the European Union Police Mission (EUPM) in BiH 11988/02	

SEPTEMBER 2002	
OTHER ACTS	Votes made public
Council Regulation amending Regulation (EC) No 1950/97 imposing definitive anti-dumping measures on imports of sacks and bags made of polyethylene or polypropylene originating, inter alia, in India 11489/02 + COR 1 2451st Council meeting (COMPETITIVENESS) (Internal Market, Industry and Research) on 30 September 2002 Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air 10011/02 + REV 1 (fi) + COR 2 (nl) + ADD 1 Common Position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council on the Community statistical programme 2003 – 2007 9820/02 + ADD 1	
