



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 12 November 2001 (20.11)
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13773/01

PUBLIC 10

TRANSPARENCY

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
OCTOBER 2001

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in October 2001. 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 voting, and the voting rule applicable.
- in **Annex III**, a list of the other acts ¹ adopted by the Council in October 2001, with a reference, where appropriate, to voting results, explanations of voting 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 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.

OCTOBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Legislative act adopted after second reading by the European Parliament in the framework of the codecision procedure				
Regulation of the European Parliament and of the Council on a Community Energy Efficiency Labelling Programme for Office and Communication Technology Equipment (3.10.2001)	12270/01			Qualified majority
2373rd Council (Employment and Social Policy) on 8 October 2001				
Decision of the European Parliament and of the Council establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC	PE-CONS 3645/01 + COR 1 (fr)	121/01, 122/01		Qualified majority
Directive of the European Parliament and of the Council relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC	PE-CONS 3638/01			Qualified majority
Council Regulation amending Regulation (EC) No 3072/95 on the common organisation of the market in rice	12129/01			Qualified majority

OCTOBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
European Company (a) Council Directive supplementing the Statute for a European Company with regard to the involvement of employees	14732/00 + COR 1 (de) + COR 2 (en) + COR 3 (sv) + COR 4 (pt) + COR 5 (es) + COR 6 (el) + COR 7 (fi) + COR 8 (fr) + COR 9 (de) 14732/1/00 REV 1 (da)	123/001	Unanimity	
(b) Council Regulation on the Statute for a European Company (SE)	14886/00 + COR 1 (en) + COR 2 (fr,de,it,nl,da,el,es,pt,fi,sv) + COR 3 (pt) + COR 4 (el) + COR 5 (en) + COR 6 + COR 7 (de) + COR 8 (da)	124/01, 125/01, 126/01, 127/01	Unanimity	

OCTOBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
2374th Council (Transport and Telecommunications) on 15 October 2001 Regulation of the European Parliament and the Council on operations to aid uprooted people in Asian and Latin American developing countries	PE-CONS 3652/01	128/01	Qualified majority	
2375th Council (Economic and Financial Questions) on 16 October 2001 Council Decision authorising the Federal Republic of Germany to conclude with the Republic of Poland an agreement containing measures derogating from Articles 2 and 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	12227/01 + COR 1 (sv)		Unanimity	
Council Decision authorising the Federal Republic of Germany to conclude with the Czech Republic an agreement containing measures derogating from Articles 2 and 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the MemberStates relating to turnover taxes	12228/01		Unanimity	

OCTOBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
2377th Council (Agriculture) on 23 October 2001				
Council Regulation amending Regulation (EC) No 723/97 on the implementation of Member States' action programmes on control of EAGGF Guarantee Section expenditure	11978/01	129/01	D against UK abstention Qualified majority	
Council Directive amending Directive 91/630/EEC laying down minimum standards for the protection of pigs	11408/01 + COR 1 (sv) + COR 2 (fi) + COR 3 (da)		E against P abstention Qualified majority	
Council Directive on Community measures for the control of classical swine fever	11406/01 + COR 1 + REV 2 (fi)	130/01, 131/01	D, A abstention Qualified majority	
Council Decision establishing a Community mechanism to facilitate reinforced cooperation in Civil Protection assistance interventions	10976/01 + COR 1 + COR 2 (fr,it,nl,en,da,el,es,pt,sv) + COR 3 (fr) + COR 4 (fi) + REV 1 (el)	132/01, 133/01, 134/01, 135/01, 136/01, 137/01, 138/01	Unanimity	

OCTOBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Legislative act adopted after second reading by the European Parliament in the framework of the codecision procedure Directive of the European Parliament and of the Council establishing requirements and harmonised procedures for the safe loading and unloading of bulk carriers (25.10.2001)	13114/01		Qualified majority	

STATEMENT 121/01**Re Decision as a whole**

"The Commission recalls that, as a matter of principle, legislative acts must be clear, simple and precise, as provided for in the Inter-institutional Agreement on common guidelines for quality of drafting of Community legislation of 22 December 1998 ¹.

The Commission notes that Council and Parliament have agreed a text incorporating amendments that have not been revised to ensure they meet the abovementioned principles. Consequently, the Commission considers it useful to indicate the following:

Re recital 20

The purpose of the Decision is solely to introduce the list of priority substances as Annex X of the Water Framework Directive 2000/60/EC, as provided for by Article 16(11) of Directive 2000/60/EC. The Commission recalls that the requirements for the preparation of future proposals concerning priority substances are clearly set out under Article 16 of the Water Framework Directive 2000/60/EC.

Re Article 3

The Commission intends to implement the provisions of Article 3 concerning the provision by the Commission and Member States of data through the mechanisms provided for under Directive 2000/60/EC, in particular Article 16(5)."

¹ OJ C 73, 17.3.1999, p. 1.

STATEMENT 122/01

Re Annex

"The Commission's proposal had envisaged that certain priority substances be subject to a review for identification as possible priority hazardous substances by 31 December 2003. A final decision was to be taken within the review of the list of priority substances provided for in Article 16(4) of Directive 2000/60/EC.

The Commission notes the agreement of the Parliament and the Council to require that this review and a Commission proposal must be submitted "not later than 12 months after adoption of this list".

While the Commission is willing to review the list as soon as possible, the wording agreed by Parliament and Council imposes too tight a framework for achieving the quality of work necessary for the task.

The Commission therefore reserves the right to meet this requirement in the light of technical feasibility and available resources."

STATEMENT 123/01

Statement by the Council

"The Council welcomes the Commission's stated intention to set up a group of experts from the Member States, with a view to facilitating and coordinating the transposition of the Directive into the national law of the Member States."

STATEMENT 124/01

Re Article 4(1)

"The Commission states that, in accordance with the Fourth Company Law Directive, the expression of capital in euros does not necessarily imply that annual accounts must be drawn up in euros."

STATEMENT 125/01

Re Article 17

"The Council and the Commission agree that the text of Article 17, as far as it refers only to certain types of merger defined in Articles 3(1) and 4(1) of the Directive 78/855/EEC, is without prejudice to future decisions on other legislative instruments in the area of company law and will be reviewed in the present instrument in the light of experience."

STATEMENT 126/01

Re Article 58

"The Council and the Commission state that Article 58 covers all possible voting procedures, including shows of hands."

STATEMENT 127/01

Re Article 68

"The Council and the Commission state that this Article refers in particular to the case in which, because certain company structures do not exist under its national law, a Member State is obliged to adopt specific measures for the SE in order to implement this Regulation. The principle of non-discrimination between SEs and national public limited-liability companies should in any case be respected."

STATEMENT 128/01

Statement by the Commission concerning the possibility of integrating the Regulation on operations to aid uprooted people in Asian and Latin American developing countries into geographical regulations

"The Commission intends to revise Council Regulation (EEC) No 443/92 ¹ in the course of this year and submit its proposal to the Council and the European Parliament in the course of the first half of 2002.

The European Commission hereby declares that it will examine the possibility of integrating the uprooted-people Regulation into the new geographical regulations for Asia and Latin America."

¹ OJ L 52, 27.2.1992, p. 1.

STATEMENT 129/01

Statement by the Council and the Commission

"In the light of the interim report on the use of Regulation No 723/97 during its first three years, the Commission had proposed a one-year extension of the existing legislation, notably in order that all Member States might benefit from an appropriate contribution to the implementation of new GIS systems.

Meanwhile, it has become apparent that the evaluation, initially by individual Member States and subsequently by the Commission, as provided for in Article 7 of Regulation No 723/97, covering the full 5-year period 1997-2001, cannot be completed before July 2002. Therefore, in order to allow sufficient time for a proper examination of such a report and any appropriate proposals by the Council and the European Parliament, it has been agreed to extend Regulation No 723/97 to include the year 2003 as well. This decision is without prejudice either to the content of the report or any subsequent position to be taken by the Council/the European Parliament on any possible future Commission proposals."

STATEMENT 130/01

Statement by the Council and the Commission

"The Council and the Commission consider that the provisions of Article 19(7) should enable decisions to be taken on emergency vaccination by a method modelled on that used in managing the foot-and-mouth disease crisis."

STATEMENT 131/01

Statement by the Austrian and German delegations

"Austria and Germany welcome the adoption of rules for combating classical swine fever, which they approve in principle. However, Austria and Germany oppose a general ban on swill for the feeding of pigs. In the control of epizootic diseases such as classical swine fever and foot-and-mouth disease, such a ban does not make it possible to guarantee a level of protection higher than adequate treatment according to an officially approved thermal process. This applies in particular to the risk from swill feed which has been produced at the agricultural holding itself or in the surrounding area.

The inclusion in the general ban on swill feed of catering waste from the area causes excessive pollution. This pollution clearly exceeds the risk posed by catering waste from the area when it is treated according to the rules. That is why Austria and Germany are in favour of a derogation for feedingstuffs containing catering waste from the area where compliance with the requirements imposed is guaranteed by administrative permits and stringent controls.

Since it has not been possible either to exclude catering waste from the area from the ban under the abovementioned conditions or to provide for adequate transition periods for undertakings processing this waste or using it in animal feedingstuffs, Austria and Germany have abstained when voting in order to obtain at least an appropriate and sufficient period for transposing the Directive into national law."

STATEMENT 132/01

Statement by the Council and the Commission

Re Article 1(3)

"The Council and the Commission declare that the costs of actions which are laid down in Article 1(3) will be fully covered by Community financing. The estimated amount needed for the implementation of the actions related to the mechanism is EUR 15 million for the years 2002 to 2006. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective."

STATEMENT 133/01

Statement by the German delegation

Re Article 1(3)

"The German delegation assumes that the sum of EUR 15 million for the years 2002 to 2006 referred to in the statement for entry in the minutes simply represents a maximum amount which is unlikely to be fully expended. The German delegation continues to regard a total of EUR 7,5 million as a realistic figure which should serve as a guideline."

STATEMENT 134/01

Statement by the Italian delegation

Re Article 1(3)

"The Italian delegation believes that further consideration needs to be given to the cost of transport in order to make the mechanism operational."

STATEMENT 135/01

Statement by the Council and the Commission

Re Article 4(a)

"The Council and the Commission consider that particular attention should be paid, within the framework of the evaluation laid down in Article 10 of the Decision, to the way in which the Monitoring and Information Centre is fulfilling its task, with a view to transmitting any proposals for the possible development of that centre."

STATEMENT 136/01

Statement by the Council and the Commission

Re Article 4(b)

"The Council and the Commission consider that in addition to the actions under Article 4(g), particular attention should be paid under Article 4(b) to the need for disseminating information on studies, research and development actions carried out at the level of both the Community and the Member States."

STATEMENT 137/01

Statement by the Representatives of the Member States, meeting within the Council

Re Article 5(2)

"The Representatives of the Governments of the Member States, meeting within the Council, declare that, in the absence of any arrangement to the contrary between the Member States concerned, such as bilateral agreements, the costs of assistance rendered as laid down in Article 5(2) by the offering Member State shall be borne by the requesting Member State. The offering Member State may, bearing in mind in particular the nature of the disaster and the extent of the damage suffered by the requesting Member State, offer its assistance entirely or partially free of charge. An offer shall only be considered to be free of charge when this has been expressly stated. The offering Member State may also waive all or part of the reimbursement of its costs at any time."

STATEMENT 138/01

Statement by the Council and the Commission

Re Article 6

"The Council and the Commission, being aware of the need to reinforce the capabilities for prompt assistance intervention outside the EC, and mindful of the particular role of the European Community Humanitarian Aid Office (ECHO), consider that it is desirable to improve cooperation in order to achieve optimal overall coherence between the mechanism and any of ECHO's activities in this area under Council Regulation (EC) No 1257/96 concerning humanitarian aid." ¹

¹ OJ L 163, 2.7.1996, p. 1.

OCTOBER 2001	
OTHER ACTS	Votes made public
2372nd Council (General Affairs) on 8 October 2001 Council Common Position amending Common Position 96/184/CFSP concerning arms exports to the former Yugoslavia 11874/1/01 REV 1 + REV 1 COR 1 2373rd Council (Employment and Social Policy) on 8 October 2001 Council Resolution on "e-Inclusion" – Exploiting the opportunities of the Information Society for social inclusion 12233/01 2374th Council (Transport and Telecommunications) on 15 October 2001 Common Position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) 12170/01 + COR 1 (fr) + COR 2 (da) + COR 3 (nl) + COR 4 (fr) + ADD 1 + ADD 1 COR 1 (fr) 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 70/220/EEC on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles 11253/01 + ADD 1 2375th Council (Economic and Financial Questions) on 16 October 2001 Monetary Agreement between the Italian Republic, on behalf of the European Community, and the Vatican City State and, on its behalf, the Holy See 11551/01	

OCTOBER 2001	
OTHER ACTS	Votes made public
Council Decision concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime 11718/01 2376th Council (Economic and Financial Questions / Justice and Home Affairs) on 16 october 2001 Council Act establishing, in accordance with Article 34 of the Treaty on European Union, the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union 12234/01 + COR 1 + COR 2 (da) + COR 3 (nl) + COR 4 (de) + COR 5 (fr,it,nl,en,es,pt,sv,ga) + COR 6 (da) + COR 7 (es) + COR 8 (nl) + REV 1 (el) 2377th Council (Agriculture) on 23 October 2001 Decision of the Representatives of the Governments of the Member States, meeting within the Council, terminating the Agreement of 21March1955 on the establishment of through international railway tariffs for the carriage of coal and steel 11801/01 Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council amending Council Regulations (EEC) No 881/92 and (EEC) No 3118/93 for the purposes of establishing a driver attestation 10353/01 + ADD 1 Council Decision relating to the conclusion of a Protocol adjusting trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements 13083/2/97 REV 2 + COR 1 + COR 2 (el) + COR 3 (en,nl)	

OCTOBER 2001	
OTHER ACTS	Votes made public
Council Regulation imposing a definitive anti-dumping duty on imports of internal gear hubs for bicycles originating in Japan 12430/01 2378th Council (Environment) on 29 October 2001 Council Decision on the signing, on behalf of the European Community, and the provisional application of two Agreements in the form of exchanges of letters concerning the extension of the Protocol establishing the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the periods 1 May 2001 to 31 July 2001 and 1 August 2001 to 31 December 2001 12059/01 Council Decision on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Democratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 2001 to 20 May 2004 12057/01 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 the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC 8402/1/01 REV 1 + 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 the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (Noise) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) 10479/01 + ADD 1 + ADD 1 COR 1 (es)	

OCTOBER 2001	
OTHER ACTS	Votes made public
2379th Council (General Affairs) on 29 October 2001	
Council Common Position on combating the illicit traffic in conflict diamonds as a contribution to prevention and settlement of conflicts 13009/01 + COR 1 (fr)	
Council Joint Action regarding a contribution from the European Union to the conflict settlement process in South Ossetia 12767/01	
Council Common Position extending and amending Common Position 96/635/CFSP on Burma/Myanmar 12668/01	
Council Decision concerning the exceptional use of interest from the European Development Fund for the financing of costs linked to the implementation of the devolution exercise in ACP States for a transitional period 12140/01	
Council Regulation terminating the review of Council Regulation (EC) No 2474/93 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China 12858/01	
Council Decision concerning the signing on behalf of the Community and the provisional application of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Croatia, of the other part 11821/01, 11439/01 + ADD 1 + ADD 2 + ADD 2 COR 1 (da) + ADD 3 + ADD 3 COR 1 + ADD 3 COR 2 (fr,it,en,da,el,pt)	
Council Joint Action concerning the appointment of the Special Representative of the European Union in the Former Yugoslav Republic of Macedonia 12645/01	