



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 10 November 2004 (12.11)  
(OR. fr)**

**13899/04  
ADD 1**

**PV/CONS 62  
JAI 398**

**ADDENDUM to DRAFT MINUTES<sup>1</sup>**

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Subject : **2613th** meeting of the Council of the European Union (**JUSTICE AND HOME AFFAIRS**), held in Luxembourg on 25 and 26 October 2004

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<sup>1</sup> The information from the Council minutes which is contained in this addendum is not confidential and may therefore be released to the public.

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## Agenda items released to the public concerning the final adoption of Council acts

"A" items: (list: 13815/04 PTS A 50)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:

**Item 1. Council Regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union**  
10827/04 FRONT 117 COMIX 429

The Council adopted the above Regulation. (Legal basis: Articles 62(2)(a) and 66 of the Treaty establishing the European Community).

### **1. Unilateral statement by the United Kingdom**

"The United Kingdom recalls that, under the Protocols on the position of the United Kingdom and Ireland and on integrating the Schengen *acquis* into the framework of the European Union, it has the right to take part in the adoption of this measure. It regrets that it has been denied that right.

The United Kingdom will participate constructively in the "operational cooperation" provided for in Article 12 of the Regulation. But this is without prejudice to its legal position, and its right to take such legal steps in accordance with that position as it considers necessary.

The United Kingdom notes that, in the light of the situation described in paragraph 1 above, the Council's suspension of Gibraltar from the scope of the United Kingdom's operational cooperation with the Agency raises no legal issues in respect of, and is without prejudice to, the application of the EC Treaty to Gibraltar."

**Item 2. Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking**  
7249/04 DROIPEN 8 CORDROGUE 25  
+ REV 1 (fi)

The Council adopted the above Framework Decision. (Legal basis: Article 31(e) and Article 34(2)(b) of the Treaty on European Union).

**2. Statement by the Council**

"Drug trafficking is a heinous crime, which the Council is determined to fight with all possible means. The Council condemns all forms of drug trafficking and sees this Framework Decision as a first and very important step in the intensified fight against drug trafficking.

The Council underlines the importance of taking a strong stance against drug trafficking at all levels and emphasises the need for a trans-national and coherent approach in combating drug trafficking. In this connection, the Council also stresses the interrelation existing between legislation of all Member States and stresses the importance of dissuading the phenomenon of *drug tourism*."

**Item 36. Council Regulation amending Regulation (EC) No 2287/2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required**

9969/04 PECHE 209  
+ COR 1 (en)  
+ COR 2 (nl)  
+ COR 3 (fr)

The Council adopted the above Regulation. (Legal basis: Article 20 of Regulation (EC) No 2371/2002).

**Item 37. Council Regulation amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training**  
12838/04 EDUC 165 SOC 436  
+ REV 1 (lv)

The Council adopted the above Regulation. (Legal basis: Article 308 of the Treaty establishing the European Community).

**Item 38. Decision of the European Parliament and of the Council amending Council Decision 1999/784/EC concerning Community participation in the European Audiovisual Observatory**  
PE-CONS 3682/04 AUDIO 42 CODEC 1016

The Council approved the amendments contained in the European Parliament's opinion and adopted the proposed act as amended. (Legal basis: Article 157(3) of the Treaty establishing the European Community).

**3. Statement by the United Kingdom**

"The United Kingdom welcomes and supports the proposal to extend Community participation in the European Audiovisual Observatory to 2006. The United Kingdom accepts the amendments put forward in the European Parliament's first reading of the proposal. However, in doing so, the United Kingdom is of the opinion that a number of the European Parliament's amendments could have significant resource implications for the European Audiovisual Observatory. The United Kingdom is concerned that amendment 2, for example, if adopted, could lead to the European Audiovisual Observatory undertaking new and demanding work, in highly complex subjects, which we believe are beyond its current resources and expertise. The matter of whether such, or any, new areas of work should be undertaken would properly be for the consideration of, and decision by the Executive Council of the European Audiovisual Observatory."