



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 18 November 2003 (20.11)
(OR. fr)**

**14291/03
ADD 1**

**PV/CONS 61
ECOFIN 326**

ADDENDUM TO DRAFT MINUTES ¹

Subject: **2537th** meeting of the Council of the European Union (**ECONOMIC AND
FINANCIAL AFFAIRS**), held in Brussels on 4 November 2003

¹ 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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Items on the agenda relating to the final adoption of Council acts released to the public

"A" items : (list: 14030/03 PTS A 54)

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

- Item 11. Council Regulation on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EEC) No 2847/93 and repealing Regulations (EC) No 685/95 and No 2027/95**
13679/03 PECHE 245 OC 643
+ COR 1 (en)
+ COR 2 (es)

The Council adopted the above Regulation, with the Irish and Spanish delegations voting against and the Belgian delegation abstaining. (Legal base: Articles 37 and 299(2) of the Treaty establishing the European Community).

1. Statement by the Commission re Article 1

"In order to ensure that the fishing effort related to fisheries for scallops, edible crab and spider crab in ICES divisions VIIId and VIIe is managed appropriately, the Commission will propose a management plan for these stocks in accordance with Article 6 of Council Regulation (EC) No 2371/2002.

In order to ensure interim implementation of the above plan as of 1 January 2004, the Commission will include provisions on fishing effort limitations for these stocks in the TAC and quota proposal for 2004."

2. Statement by the Council and the Commission re Article 3

"Where the provisions of Article 3 permit access by certain fishing vessels to waters from which they were previously excluded, the Commission and the Member States concerned shall carefully monitor fishing activities in the area concerned in order to ensure that such activities are consistent with the measures already in place for the conservation of fishing resources."

3. Statement by the Commission re Article 3

"The demersal fisheries referred to in Articles 3 and 6 include bottom trawl fisheries for Norway lobster and shrimp."

4. Statement by the Commission re Article 5

"To complement the limitations on access laid down in paragraph 1 of Article 5 and to avoid damage to the sensitive eco-systems on seamounts occurring in waters at least up to 200 miles surrounding the Azores, Madeira and the Canary Islands, the Commission intends shortly to propose to the Council an amendment of Council Regulation (EC) No 850/98 under which fishing with trawl gears in the aforementioned waters surrounding the Azores, Madeira and the Canary Islands would be prohibited."

5. Statement by the Council and the Commission re Article 5

"The provisions concerning outermost regions in this Regulation do not prejudice the measures to be adopted at a later stage in respect of the French Overseas Departments. The Commission intends to present a proposal on this issue during 2004."

6. Statement by the Commission re Article 5

"When implementing the rules for the provisions of paragraph 1 of Article 5, the Commission will include, as part of the Community vessels having traditionally fished in outermost regions, those vessels operating under existing agreements between Member States."

7. Statement by the Commission re Article 11

"When drawing up its proposal referred to in paragraph 1 of Article 11, the Commission will ensure that all the Member States concerned are fully informed and consulted on the maximum levels of fishing effort proposed for other Member States."

8. Statement by the Commission re Article 12

"In cases where the Commission is requested to permit an increase of the maximum fishing effort for a Member State in a particular area or division in order to allow the Member State to fish for non-regulated species, it has to be demonstrated that this will not lead to an increased bycatch of regulated species for which Member States no longer have quotas, if the Commission is to accept such a request."

9. Statement by the Spanish delegation

"With regard to the adoption by the Council of the Regulation on the fishing effort relating to Western Waters, the Spanish delegation would make the following statement:

1. Spain repeats that, as confirmed by the Legal Service of the Council of the European Union, the rules included in Regulations No 685/95 and No 2027/95 concerning the adaptation of the rules governing the transitional period prior to Spain's full integration into the Common Fisheries Policy ceased to be effective from 1 January 2003. This fact is not nullified by the specific date of repeal set for those Regulations in Article 15(1) of the Council Regulation on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EEC) No 2847/93.
2. Spain considers that the reference period 1998-2002 given in Articles 3 and 6 of the Regulation for assessing the levels of fishing effort exerted by the different fishing fleets and thereby determining the ceiling for the fishing effort which may be exerted by each Member State in future is a period during which discriminatory effort restrictions were applied to the Spanish fleet as a result of its transitional arrangements.
3. Spain considers that the specific measures adopted for the area defined in Article 6 of the Regulation are inappropriate from a technical viewpoint and are not justified because they entail different treatment for certain Member States for reasons that are not objective and which may constitute discrimination on grounds of nationality.
4. Spain reserves the right of recourse to the Court of Justice to defend its rights."

Item 12. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation a labour force sample survey in the Community to adapt the list of survey characteristics
PE-CONS 3672/03 ECOFIN 280 SOC 379 CODEC 1294 OC 609

The Council adopted the above Regulation. (Legal base: Article 285 of the Treaty establishing the European Community).

Item 13. Directive of the European Parliament and of the Council relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Council Directive 70/156/EEC
PE-CONS 3660/03 ENT 135 CODEC 1110 OC 541
+ COR 1

The Council adopted the above Directive. (Legal base: Article 95 of the Treaty establishing the European Community).
