



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 12 November 2004 (16.11)
(OR. fr)**

14543/04

PUBLIC 9

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
 OCTOBER 2004

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in October 2004. This is accompanied by statements in the minutes which may be released to the public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rules applicable;
- in **Annex III**, a list of the other acts ¹ adopted by the Council in October 2004, 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 under "Transparency", then "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 Department ("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 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/ VOTING EXPLANATIONS AND VOTING RULES
2606th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 4 October 2004			
Council Decision establishing a Social Protection Committee and repealing Decision 2000/436/EC	12049/04		Unanimity
Council Decision on guidelines for the employment policies of the Member States	10072/04		Qualified majority
2607th Council meeting (Transport/Telecommunications/ Energy) on 7 October 2004			
Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws ("the Regulation on consumer protection cooperation")	PE-CONS 3674/04	159/04, 160/04	Qualified majority DE, LU abstentions

OCTOBER 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/ VOTING EXPLANATIONS AND VOTING RULES
2608th Council meeting (General Affairs and External Relations) on 11 October 2004 Council Regulation amending Regulation (EC) No 2287/2003 as concerns the number of days at sea for vessels fishing for haddock in the North Sea and the use of bottom trawls in waters around the Azores, the Canary Islands and Madeira	12425/04 + COR 1 (fi)	161/04, 162/04, 163/04	Qualified majority
2610th Council meeting (Environment) on 14 October 2004 Regulation of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC	PE-CONS 3676/04 + COR 1 (fi)	164/04, 165/04, 166/04	Qualified majority
2612th Council meeting (Economic and Financial Affairs) on 21 October 2004 Council Decision authorising the United Kingdom to introduce a special measure derogating from Article 11 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	12667/04 + REV 1 (fi)		Unanimity

OCTOBER 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/ VOTING EXPLANATIONS AND VOTING RULES
Council Decision authorising Italy to apply a measure derogating from Article 2(1) of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	12670/04 + REV 1 (sl) + REV 2 (lt)		Unanimity
Council Decision authorising Portugal to apply a measure derogating from Articles 21(1)(a) and 22 of Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	12955/04		Unanimity
2613th Council meeting (Justice and Home Affairs) on 25 and 26 October 2004			
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	167/04	Unanimity
Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking	7249/04 + REV 1 (fi)	168/04	Unanimity

OCTOBER 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/ VOTING EXPLANATIONS AND VOTING RULES
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 + COR 1 (en) + COR 2 (nl) + COR 3 (fr)		Qualified majority
Council Regulation amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training	12838/04 + REV 1 (lv)		Unanimity
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	169/04	Qualified majority

STATEMENT 159/04**Statement by the Luxembourg delegation**

"Luxembourg has not been able to support the Regulation on administrative cooperation, while sharing its fundamental objective: better consumer protection against intra-Community infringements.

Luxembourg has no mechanism for the monitoring of the application of laws by administrative bodies. It would have been prepared to give its approval if the rules had been clear and the bureaucratic structures undemanding. However, this was not the case.

The Regulation empowers the various national authorities to establish the existence of an intra-Community infringement, without actually defining which national law will be used to assess the behaviour of an enterprise operating within the internal market. As a result, at any particular time, many enterprises will potentially be infringing the legislation of one Member State or another. It is also regrettable that wide investigation and enforcement powers are granted to national authorities by Article 4, without the question of the establishment of the intra-Community infringement, and its implications for the whole mutual assistance process, being regulated with sufficient precision."

STATEMENT 160/04

Statement by the German delegation

"Germany supports efforts toward improving cross-border consumer protection, but cannot advocate the proposal for a Regulation on cooperation between national authorities responsible for the enforcement of consumer protection laws for the following reasons:

Successful cross-border co-operation must make use of the respective national consumer protection systems. Every Member State has developed its own mechanisms in order to protect the interests of consumers in the most successful and effective way possible. The German consumer protection system is based on strong associations structured under private law, which manage to counteract violations with the aid of the courts within a short period, often within a matter of a few days. Germany's experience with this system has been very good; it furthers the avoidance of excessive bureaucracy.

The revised proposal contains the risk that in cross-border cases the well-functioning German system cannot be put to optimum use in every case. This is due to the necessity of obtaining consensus on the involvement of private bodies. Therefore there is no assurance that the requested authority can decide autonomously on the best route when the conditions have been met. This does not reflect the spirit of the kind of cooperation that is based on mutual trust."

STATEMENT 161/04

Statement by the Commission

"The Commission notes that some delegations, in a spirit of compromise, have accepted the proposal as a temporary solution pending a more permanent measure following the Commission's proposal COM(2004) 58 final for a regulation amending Regulation (EC) No 850/98 as regards the protection of deep-water coral reefs from the effects of trawling in certain areas of the Atlantic Ocean. When discussing the latter, the Commission will in particular examine with Member States the boundaries for the areas where trawling shall be prohibited on the basis of a detailed topography of the sea bed."

STATEMENT 162/04

Statement by the Portuguese delegation

"The Portuguese delegation notes that, in a spirit of compromise, Portugal can accept the proposed amended draft Regulation. However, in the framework of the existing Commission proposal for amending Regulation (EC) No 850/98, this delegation will insist on the need to apply the current trawl prohibition also to static bottom gillnets, in the same areas, with a view to guaranteeing not only the Community fishermen's livelihood but also the protection of those deep-water habitats."

STATEMENT 163/04

Statement by the Spanish delegation

"The Spanish delegation agrees to the adoption of the Regulation laying down on a temporary basis areas protected from trawling around the Canary Islands, the Azores and Madeira, bearing in mind that the Commission has promised to review the limits of these areas during the discussion of the proposed Regulation amending the Regulation on technical measures for the establishment of areas closed to trawling to protect coral reefs.

In the course of this exercise, the Spanish delegation considers that the new limits must protect exclusively those areas in which the relevant scientific information establishes the existence of coral aggregations which must be protected."

STATEMENT 164/04

Statement by the Italian delegation

"Italy considers Community rules on active and intelligent materials and articles very timely. However, it does not seem appropriate that their definition should form part of a framework Regulation laying down general requirements for various types of materials and articles intended to come into contact with food, without specifying their characteristics and manner of use.

The definitions currently contained in the Regulation appear too broad, thus actually permitting the development of packaging and other materials and articles that are difficult to use in practice and that have little to do with the desire to protect the quality and wholesomeness of foodstuffs placed on the market, in the ultimate interest of the European consumer.

Italy also feels that problems relating to checks on foodstuffs in such packaging and determination of the legal liability of operators in the event of failure to comply with Community and national standards for foodstuffs do not appear to have been properly assessed."

STATEMENT 165/04

Statement by the United Kingdom delegation

"Calling to mind the two challenges brought by the United Kingdom against the use of Article 95 EC as a legal base, the United Kingdom records its disagreement with the use of Article 95 EC as the appropriate legal base for this measure. It believes Article 308 EC should have been used instead."

STATEMENT 166/04

Statement by the Commission

Clarification of Article 4(2) second subparagraph in relation to labelling requirements of Directive 2000/13/EC

"The Commission specifies that Article 4(2) second subparagraph means that substances deliberately incorporated into active materials and articles to be released into the food shall be considered as ingredients within the meaning of Article 6(4a) of Directive 2000/13/EC, even if they are not 'used in the manufacture or preparation of a foodstuff'.

The labelling requirements of Directive 2000/13/EC shall therefore be fully applicable.

As regards in particular materials and articles which are not yet in contact with food when placed on the market, according to Article 15(1)(e) the food business operators will know at the time of manufacture or preparation of the food, to be packed in the active material or article, the name and the quantity of the substance(s) which will be released and be present in the finished packed food. They shall consequently comply with the relevant requirements of Directive 2000/13/EC."

STATEMENT 167/04

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."

STATEMENT 168/04

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*."

STATEMENT 169/04

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."

OCTOBER 2004	
OTHER ACTS	Votes made public
2606th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 4 October 2004 Council Decision concerning the conclusion of an Agreement renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America 12596/04 Steel products • Council Regulation amending Commission Decision No 1469/2002/ECSC on administering certain restrictions on imports of certain steel products from Kazakhstan 11720/04 • Council Decision concerning the conclusion of an Agreement between the European Community and the Republic of Kazakhstan amending the Agreement between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products 11722/04 Council Regulation imposing a definitive anti-dumping duty on imports of synthetic fibre ropes originating in India 12155/04 Council Regulation amending Regulation (EC) No 176/2000 amending Regulation (EC) No 1015/94 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan 12349/04	DK, FI, SV against

OCTOBER 2004	
OTHER ACTS	Votes made public
2607th Council meeting (Transport/Telecommunications/Energy) on 7 October 2004 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions for infringements 11964/04 + COR 1 (fr) + COR 2 (da) + COR 3 (da) + REV 1 (pt) + REV 2 (sk) + ADD 1 + ADD 2	EL, MT against
2608th Council meeting (General Affairs and External Relations) on 11 October 2004 Council Decision amending the Council's Rules of Procedure 12712/04, 12708/04 + ADD 1 + COR 1 Council Common Position on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) 8320/1/04 REV 1 + COR 1 (en) Council Regulation imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) 12477/04 Council Decision on the signing of a Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part 11803/04 + COR 1 (en) + COR 2 + COR 3 + COR 4 Council Decision on the conclusion by the European Community of the Interim Agreement on trade and trade-related matters between the European Community and the European Atomic Energy Community, of the one part, and the Republic of Tajikistan, of the other part 11808/04	ES, IT abstentions

OCTOBER 2004	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of the Protocol to 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, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union 9854/04 + REV 1 (sl) 2610th Council meeting (Environment) on 14 October 2004 Council Decision concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants 12649/04 + REV 1 (lt) + COR 1, 13192/04 Council Recommendation on the implementation of Member States' employment policies 10081/04 + COR 1 (fr) Libya • Council Common Position concerning the lifting of restrictive measures against Libya 12734/04 • Council Regulation repealing Regulation (EC) No 3274/93 preventing the supply of certain goods and services to Libya 12764/04 2611th Council meeting (Agriculture and Fisheries) on 18 October 2004 Council Decision on the fulfilment of the conditions laid down in Article 3 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, with regard to an extension of the period foreseen in Article 9(4) of Protocol 2 to the Europe Agreement 12374/04 + COR 1	

OCTOBER 2004	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of agreements between the European Union and the Republic of Iceland, the Kingdom of Norway and Romania establishing a framework for the participation of the Republic of Iceland, the Kingdom of Norway and Romania in the European Union crisis management operations 12435/04 + COR 1 (pt), 13534/04 + ADD 1 2612th Council meeting (Economic and Financial Affairs) on 21 October 2004 Council Decision on the opening of the negotiations on an agreement concerning monetary relations with the Principality of Andorra 13278/04 Council Decision outlining the general approach for the reallocation of resources under Regulation (EC) No 1267/1999 establishing an Instrument for Structural Policies for Pre-accession 12428/04 Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005 12357/04 Council Regulation on the conclusion of the Protocol defining, for the period 3 December 2003 to 2 December 2007, the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters 12391/04 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 single Community framework for the transparency of qualifications and competences (Europass) 12242/04 + ADD 1 + ADD 1 COR 1 + ADD 1 COR 2 (sk) + ADD 1 COR 3 + ADD 1 COR 4, 13069/04 Common position adopted by the Council with a view to adopting a Decision of the European Parliament and of the Council amending	

OCTOBER 2004	
OTHER ACTS	Votes made public
Decision No 1419/1999/EC establishing a Community action for the European Capital of Culture event for the years 2005 to 2019 12029/04 + ADD 1 + ADD 1 COR 1, 13070/04 2613th Council meeting (Justice and Home Affairs) on 25 and 26 October 2004 Council Decision amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU-related bodies 12371/1/04 REV 1 Burma/Myanmar • Council Common Position on additional restrictive measures against Burma/Myanmar and amending Common Position 2004/423/CFSP 12792/04 • Council Regulation concerning additional restrictive measures in respect of Burma/Myanmar and amending Regulation (EC) No 798/2004 12823/04 + REV 1 (en) Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway 11827/04 Council Regulation amending Regulation (EC) No 499/96 opening and providing for the administration of Community tariff quotas for certain fishery products and live horses originating in Iceland 10798/04 Council Regulation amending Regulation (EC) No 992/95 opening and providing for the administration of Community tariff quotas for certain	

OCTOBER 2004	
OTHER ACTS	Votes made public
agricultural and fishery products originating in Norway 10790/04 + REV 1 (fi) Council Regulation adopting autonomous and transitional measures to open a Community tariff quota for the import of live bovine animals originating in Switzerland 11942/04 Council Regulation establishing certain concessions for the Swiss Confederation in the form of Community tariff quotas for certain processed agricultural products 11998/04 Council Decision on the signing, on behalf of the Community, of a Cooperation Agreement between the European Community and the Principality of Andorra 12947/04 Council Decision on the signing and conclusion of the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments and the accompanying Memorandum of Understanding 6465/04 + COR 1 + COR 2 (en) + COR 3 + COR 4 (pt) + COR 5 (cz,et,hu,lt,lv,mt,pl,sk,sl) Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Swiss Confederation on the date of application of the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC of 3 June 2003 on taxation of savings income in the form of interest payments 13162/04 Council Regulation extending the definitive anti-dumping duty imposed by Council Regulation (EC) No 1796/1999 on imports of steel ropes and	

OCTOBER 2004	
OTHER ACTS	Votes made public
cables originating, inter alia, in the People's Republic of China to imports of steel ropes and cables consigned from Morocco, whether declared as originating in Morocco or not, and terminating the investigation in respect of imports from one Moroccan exporter 13242/04 + REV 1 (hu)	

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