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THE EUROPEAN UNION**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS
DECEMBER 2001

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in December 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 vote, and the voting rule applicable,
- in **Annex III**, a list of the other acts ¹ adopted by the Council in December 2001, 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.

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
2392nd Council meeting (Employment and Social Policy) on 3 December 2001				
Council Regulation amending Regulation (EC) No 2848/2000 fixing for 2001 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	14118/01	150/01	Qualified majority	
Directive of the European Parliament and of the Council amending Council Directive 93/42/EEC concerning medical devices	PE-CONS 3660/01		Qualified majority	
Council Decision on the European Year of Disabled People 2003	14289/01		Unanimity	
2393rd Council meeting (Economic and Financial Questions) on 4 December 2001				
Council Decision authorising Ireland to apply a differentiated rate of excise duty to low-sulphur diesel in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC	13268/01		Unanimity	

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Directive of the European Parliament and of the Council amending Council Directive 94/57/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations	PE-CONS 3656/01	154/01	Qualified majority	
Council Regulation amending Regulation (EEC) No 2658/87 as regards suspension on an autonomous basis of the common customs tariff duties on certain industrial products	13527/01 + COR 1 (de,el,pt) + COR 1 (fi,pt)		Qualified majority	
Decision of the European Parliament and of the Council concerning the Community contribution to the Global Fund to fight HIV/AIDS, tuberculosis and malaria	PE-CONS 3664/01 + COR 1 (fr)		Qualified majority	
• 7 December 2001 Directive of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community	PE-CONS 3662/01	155/01, 156/01, 157/01	Qualified majority	

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
2396th Council meeting (Justice, Home Affairs and Civil Protection) 6 December 2001 SIS II - Council Regulation on the development of the second generation Schengen Information System (SIS II) - Council Decision on the development of the second generation Schengen Information System (SIS II) Council Decision on the protection of the euro against counterfeiting Council Framework Decision amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro 7 December 2001 Council Regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement	14160/01 + COR 1 (da) 14161/01 13436/01 + REV 1 (es,sv) 13437/01 + COR 1 (sv) 14093/01	158/01, 159/01, 160/01 161/01	Unanimity Unanimity Unanimity Unanimity Unanimity	

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Legislative act adopted following the European Parliament's second reading in the framework of the codecision procedure Directive 2001/109/EC of the European Parliament and of the Council concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees (11.12.2001)	15157/01 PE-CONS 3668/1/01 REV 1		Qualified majority	
2399th Council meeting (Environment) on 12 December 2001 Council Regulation on Community Designs	13483/01 + COR 1 (de)	162/01, 163/01	Unanimity	
Legislative act adopted following the European Parliament's second reading in the framework of the codecision procedure Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2223/96 as concerns the use of ESA 95 in the determination of Member States' payments to the VAT-based own resource (12.12.2001)	15158/01		Qualified majority	

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Legislative acts adopted following the European Parliament's second reading in the framework of the codecision procedure				
Regulation of the European Parliament and of the Council on cross-border payments in euro (13.12.2001)	15271/01 PE-CONS 3669/01		Qualified majority	
Regulation of the European Parliament and of the Council on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 (13.12.2001)	15160/01		Qualified majority	
2400th Council meeting (Fisheries) • 17 December 2001				
Council Regulation amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products	13995/01 + COR 1		Qualified majority	

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
• 18 December 2001 Council Regulation fixing for 2002 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	15213/01 + ADD I	164/01, 165/01, 166/01, 167/01, 168/01, 169/01, 170/01, 171/01, 172/01, 173/01, 174/01, 175/01, 176/01, 177/01, 178/01, 179/01, 180/01, 181/01, 182/01	EL against Qualified majority	
2402nd Council meeting (Agriculture) on 19 December 2001 Council Regulation amending Annexes I and III of Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin	14457/01		A abstention Qualified majority	
Council Regulation amending Regulation (EC) No 1017/94 concerning the conversion of land currently under arable crops to extensive livestock farming in Portugal	14213/01		Qualified majority	
Council Regulation amending Regulation (EEC) No 2204/90 laying down additional general rules on the common organisation of the market in milk and milk products as regards cheese	14839/01 + COR 1 (nl)	183/01	Qualified majority	

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Council Regulation amending Regulation (EC) No 1493/1999 on the common organisation of the market in wine	14448/01 + COR 1 (fi)	184/01, 185/01, 186/01	I against Qualified majority	
Directive of the European Parliament and of the Council amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs and repealing Commission Directive 91/357/EEC	PE-CONS 3653/01 + COR 1 (fi)	187/01	UK against Qualified majority	
Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products	14273/01		Qualified majority	
Council Regulation fixing for the 2002 fishing year the guide prices for the fishery products listed in Annexes I and II and the Community producer price for the fishery products listed in Annex III to Regulation (EC) No 104/2000	14060/01		Qualified majority	
Directive of the European Parliament and of the Council relating to ozone in ambient air	PE-CONS 3658/01 + COR 1 + COR 2 (fr)	188/01	Qualified majority	
Council Regulation on the common organisation of the market in sheepmeat and goatmeat	15317/01	189/0, 190/011	A, IRL, S against Qualified majority	

DECEMBER 2001			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
2403rd Council meeting (Internal Market) on 20 December 2001			
Council Directive relating to honey	8923/00	191/01, 192/01, 193/01, 194/01	E against B, UK abstention Qualified majority
Council Directive relating to certain sugars intended for human consumption	6201/00	195/01, 196/01	Qualified majority
Council Directive relating to fruit juices and certain similar products intended for human consumption	6199/00 + COR 1 (de) + COR 2 (de)	197/01, 198/01, 199/01	B against NL abstention Qualified majority
Council Directive relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption	7297/00	200/01, 201/01, 202/01	Qualified majority
Council Directive relating to certain partly or wholly dehydrated preserved milk for human consumption	6200/00	203/01, 204/01, 205/01	B against Qualified majority
Council Directive amending Directive 77/388/EEC with a view to simplifying, modernising and harmonising the conditions laid down for invoicing in respect of value added tax	14851/01 + COR 1 (fr) + COR 2 (de,it,nl,en,da,el,es,pt,fi) + REV 1 (sv)	206/01, 207/01, 208/01, 209/01, 210/01	Unanimity

DECEMBER 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Council Decision amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual	15182/01	211/01	Unanimity	

STATEMENT 150/01

Statement by the United Kingdom

"The United Kingdom regrets that this measure amending Council Regulation (EC) No 2848/2000 has not been used also to increase the Total Allowable Catches set by that regulation for nephrops in ICES Areas IV, VI and VII.

The United Kingdom submitted to the Commission in July and September 2001 what it considers to be a conclusive case that increases would be (a) appropriate for these nephrops stocks and (b) compatible with the protection of cod and hake. Such action would have been in accordance with the Commission's undertaking in its statement, at the Council in December 2000, to bring forward proposals when these two conditions are met.

The United Kingdom looks to the Commission to act urgently to implement its commitment."

STATEMENT 151/01

Re Directive with a view to regulating management companies and simplified prospectuses:

"The Council invites the Commission to present a report, within one year from the entry into force of this Directive, on the regulation of depositaries according to Directive 85/611/EEC and the need for amending the regulation, accompanied, where appropriate, by a proposal for a revision."

STATEMENT 152/01

Re Article 5a(1)(a) of the above Directive:

"The Council and the Commission declare that Member States authorising management companies to provide up to 50% of the additional amount of own funds referred to in Article 5a(1)(a), first indent, in the form of a guarantee given by a credit institution or an insurance undertaking as referred to in the fourth indent will take full account of existing and developing prudential regulation on capital in order to preserve the stability of the financial system and keep consistency in the overall framework. The provisions of the present directive in respect of management companies does not set any precedent for the regulation of other financial institutions. The use of guarantees will be examined in the review mentioned in Article 5a(1)(a) or at an earlier stage should circumstances require it."

STATEMENT 153/01

Re Article 5a(1)(a) of the above Directive:

"The United Kingdom and the Netherlands note the Council and Commission minute statement on UCITS, in particular the commitment that the provisions of the UCITS directive for management companies does not set any precedent for the regulation of other financial institutions. The United Kingdom and the Netherlands reiterate their support for the principle of risk-based capital charges for financial institutions. The United Kingdom and the Netherlands urge the Commission to take account of developments in thinking on capital charges, particularly pertaining to operational risk, within the European Union and other international fora, when conducting the review of capital charges foreseen by this directive. At the same time as conducting this review the United Kingdom and the Netherlands also urge the Commission to examine the extent of the market opening the Directive has achieved in practice, and to consider whether further legislative or non-legislative steps are necessary."

STATEMENT 154/01

Commission statement on Article 6(5)

"The Commission will keep the situation under close scrutiny and, if necessary, in the light of the evaluation report referred to in Article 6(5), with reference to the application of the provisions as described in Article 6(2)(b)(ii) and (iii), put forward additional proposals to harmonise further the liability provisions if this is required in the interest of the internal market."

STATEMENT 155/01

Statement by the Council and the Commission

"The Council and the Commission agree that the obligations contained in this Directive are not applicable to Austria or Luxembourg, as they have no maritime ports."

STATEMENT 156/01

Statement by the Council and the Commission

"The Council and the Commission agree that Member States may accept the ship's agent as signatory of the IMO FAL Forms 3 "Ship's Stores Declaration", 4 "Crew's Effects Declaration" and 5 "Crew List".

STATEMENT 157/01

Statement by Member States

"Member States agree that a useful addition to the Passenger List Form, a model of which appears in Annex II to the Directive, would be a column in which the type and number of passengers' identity documents (passports) could be noted. This approach should be recommended in the IMO."

STATEMENT 158/01

Statement by the Council and the Commission

"The Council and the Commission are of the view that the executive powers to be exercised by the Commission pursuant to the Regulation and the Decision on the development of the second generation Schengen Information System (SIS II), which were adopted following the conclusions of the Council of 29 May 2001 to the effect that expenditure for the development of SIS II will be charged on the budget of the European Communities as from 2002, are limited to such matters as:

- the design of the physical architecture of the system;
- the development of security requirements (including logical protection, audit/logging, encryption);
- the development of the communication network requirements (type, protocol, architecture of the network, bandwidth, technical requirements);
- the definition and development of the technical requirements of the database;
- the definition, development and application of test requirements and procedures;
- the requirements for the possible interface to national systems;
- the choice and purchase of (types) of hardware and software products;
- the requirements for a possible query interface, if common to Member States;

The Council and the Commission are of the view that the following matters are not within the executive powers conferred on the Commission by virtue of the aforementioned Regulation and Decision, but must be addressed through the appropriate legislative procedures under the Treaties, where necessary by amending or supplementing the existing provisions of the Convention of 1990 implementing the Schengen Agreement of 1985, or those of any decisions taken on the basis of these provisions:

- the legal description of the architecture of the system;
- the definition of the categories of data to be entered into the system, the purposes for which they are to be entered and the criteria for their entry;
- the content of SIS alerts;

- the definition of the authorities having access to SIS data;
- the determination of the duration of SIS alerts;
- the decision as to whether there should be a common type of N/SIS or a common type of interface to the national systems;
- rules on interlinking of alerts;
- rules on compatibility between alerts;
- rules on responsibility for the correctness of alerts;
- rules on access by interested parties to SIS data;
- rules on the protection of personal data and their control;
- rules on security."

STATEMENT 159/01

Statement by the Commission

"The Commission considers that the Regulation, by providing for a Management Committee or a Regulatory Committee, depending on the subject-matter, to assist the Commission in developing SIS II, does not comply with the criteria regarding choice of procedural methods established by Council Decision No 1999/468/EC. The Commission reserves all its rights under the Treaty."

STATEMENT 160/01

Statement by the German delegation

"The German delegation is proceeding on the assumption that the annual appropriations authorised by the budgetary authority will remain within the financial perspective for 2000 to 2006."

STATEMENT 161/01

Council statement on further cooperation with Romania following the decision to grant exemption from the visa requirement

"Further to the report dated 29 June 2001 from the Commission to the Council on the exemption of Romanian citizens from the visa requirement (COM(2001) 361 final), the Council has decided to waive the visa requirement for Romanian nationals as from 1 January 2002.

The Council welcomes the measures already implemented and being planned and notes with satisfaction the precise and concrete commitments entered into by Romania to guarantee security and prevent illegal immigration in the Member States of the European Union. It is the wish of the Council that the implementation of these measures should lead to an effective improvement.

In the context of the analyses carried out with participation of the Member States by the Working Party on Collective Evaluation and by existing structures at the Commission on the progress achieved by each of the candidate countries and the loopholes which they still need to plug in order to align themselves on the European Union "acquis" in the field of justice and home affairs, the Council will grant special attention to the consequences for internal security and illegal migration in the Member States and the following aspects:

- border controls on entry, transit and exit;
- visa policy;
- travel documents and identity documents;
- legislation on immigration and asylum;
- laws and other rules on citizenship and stateless persons;
- readmission of third-country nationals residing illegally in Member States;
- economic and social dimension.

On the basis of the periodical assessments made within the Council and where necessary, the Council will decide on all appropriate measures in accordance with the Treaty."

STATEMENT 162/01

Council statement on Article 21

"The Council states that in cases where consistent rules at national and Community level are fundamental for the free circulation of goods in the internal market, Member States should act in good faith to achieve such consistency. Thus, a regime set at national level through a Directive should be followed by the same regime at Community level.

Against this background, the Council has been able to agree on the application of Community-wide exhaustion for the Community design (Article 21), although this regime does not correspond to the principal view of all Member States."

STATEMENT 163/01

Council statement on spare parts

"The Council takes note of the temporary nature of the provisions in Article 110 relating to designs which constitute a component part of a complex product used within the meaning of Article 19(1) for the purpose of the repair of that complex product so as to restore its original appearance.

The temporary provisions in Article 110 are without prejudice to the decision that will be taken on the basis of the Commission's study pursuant to Article 18 of Directive 98/71/EC on the legal protection of designs."

STATEMENT 164/01

Statement by the Council and the Commission on associated species

"The Council and the Commission agree to further develop the scientific basis for management that takes appropriate account of the mixed nature of the fisheries, through the provision of data on as fine a scale as possible, preferably at the level of the fishing operation. These data should be examined at technical meetings to take place during 2002."

STATEMENT 165/01

Statement by the Council and the Commission on management of stocks outside safe biological limits

"The Council and the Commission agree on the need to implement as soon as possible the Council conclusions of 25 April 2001 on the communication from the Commission to the Council and the European Parliament on the application of the precautionary principle and multiannual arrangements for setting TACs by giving priority to those stocks identified by ICES or STECF as being outside safe biological limits."

STATEMENT 166/01

Joint Statement by the Council and the Commission on underutilised TACs

"The Council and the Commission agree that underutilisation of TACs and quotas will not be used as the sole basis for reduction of TACs in cases where one or several Member States to a substantial degree utilise their quotas."

STATEMENT 167/01

Statement by the Danish, German, French and Netherlands delegations concerning Hague preferences

"Denmark, Germany, France and the Netherlands are of the opinion that the scales for the allocation of quotas for Member States were finally agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the basic regulation governing the common fisheries policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.

Furthermore, in years with scarce and decreasing stocks, Hague preferences result in unreasonable extra allocations at the expense of other Member States.

We are opposed to the application of the Hague preferences, which run counter to the principle of relative stability, as does the present Presidency compromise."

STATEMENT 168/01

Irish statement on TACs and quotas for 2002

"Ireland's position on the TACs and quotas proposals for 2002 is without prejudice to the important declaration which Ireland made on 20 October 1993 in relation to the Irish Government's Memorandum on the review on the Common Fisheries Policy (Document 5765/92)."

STATEMENT 169/01

Statement by the Council and the Commission on plaice in Skagerrak and Kattegat, herring in VIIghjk, sole in division VIIIab and Northern hake

"The Council and the Commission agree to seek further scientific advice from ICES and STECF on the state of the stock and appropriate catches for 2002 for the stock of plaice in Skagerrak and Kattegat, herring in VIIghjk, sole in ICES division VIIIab and Northern hake."

STATEMENT 170/01

Commission statement on North Sea mackerel

"The Commission will continue its efforts to find a satisfactory solution as soon as possible for Sweden to fish also in the Norwegian fishing zone in ICES IVab the mackerel quota, which is limited to ICES IIIa and Community waters in IVab."

STATEMENT 171/01

Council statement on North Sea mackerel

"The Council welcomes the progress already done on this problem, and notes the intention of the Commission to continue its efforts to find a satisfactory solution as soon as possible for Sweden to fish also in the Norwegian fishing zone in ICES IVab the mackerel quota, which is limited to ICES IIIa and Community waters in IVab."

STATEMENT 172/01

Statement by the Council and the Commission on haddock in ICES Divisions VIb and VIIa

"In the light of the stock development of haddock in ICES Divisions VIb and VIIa, the Council and the Commission agree on the need to reexamine the management measures adopted for these areas in order to improve the conservation and the rebuilding of these stocks. This reexamination shall take place during the first half of 2002."

STATEMENT 173/01

Statement by the Spanish delegation on footnote 2 concerning the IX, X, CEEAF 34.1.1 anchovy stock

"The Spanish delegation does not agree with the possibility of transferring part of the anchovy quota from Zone IX, X, CEEAF 34.1.1 to ICES Sub-area VIII. Spain maintains the appeals submitted to the Court of Justice of the European Communities against the Regulations which established the possibility of such transfers between 1996 and 2001 and it will be submitting a further appeal since, in the opinion of the Spanish delegation, the judgment of the Court of Justice in Case C-179/95 failed to settle the question of relative stability."

STATEMENT 174/01

Statement by the Greek delegation

"Greece is voting against the proposal for a Council Regulation fixing for 2002 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, because no account was taken of the revised ICCAT data for Greece when the quota allocated to it for the species bluefin tuna (Annex IF) was being calculated. In this connection Greece would refer to the Council statement of December 1999 to the effect that: "The Council acknowledges the request by Greece to re-examine catch statistics in the light of the revised ICCAT data". "

STATEMENT 175/01

Statement by the Spanish delegation on unused fishing opportunities in the agreements with the Faroe Islands, Greenland, Iceland, Latvia, Lithuania and Norway

"Taking account of the conclusions adopted by the Council on 30 October 1997 concerning fisheries agreements with third countries, and in particular point 4(i), the Spanish delegation reaffirms the importance it attaches to flexibility in the implementation of fisheries agreements, especially as regards the transfer of fishing opportunities from one Member State to another in the case of under-utilisation, without prejudice to the principle of relative stability.

Despite the time that has elapsed since the Council adopted these conclusions, the Regulation on TACs and quotas for 2002 makes no provision for such transfers in the fishing opportunities obtained in the fisheries agreements, and in particular those with the Faroe Islands, Greenland, Iceland, Latvia, Lithuania and Norway. These transfers are clearly necessary for sound fisheries management, and the lack of them could jeopardise the full utilisation of the fishing opportunities granted under the aforementioned agreements which is a vital element in the protection of the interests of the Community as a whole.

The Spanish delegation reiterates that specific proposals for putting these Council conclusions into practice need to be submitted at an early date."

STATEMENT 176/01

Statement by the German, United Kingdom, Danish, Swedish and Finnish delegations

"The German, United Kingdom, Danish, Swedish and Finnish delegations reaffirm the importance of the conclusions adopted by the Council on 30 October 1997 concerning fisheries agreements with third countries. These included calling upon the Commission to consider to what extent a greater flexibility in the implementation of fisheries agreements can be achieved, addressing *inter alia* arrangements allowing for fishing possibilities to be transferred from one Member State to another in case of under-utilisation, without prejudice to the principle of relative stability.

The German, United Kingdom, Danish, Swedish and Finnish delegations reaffirm that it would be contrary to the principle of relative stability to confer on the Commission the power to transfer fishing possibilities from one Member State to another in the case of the fisheries agreements with the Faroe Islands, Greenland, Iceland, Estonia, Latvia and Lithuania."

STATEMENT 177/01

Statement by the Spanish delegation on the allocation in 2002 of certain catch quotas in the waters of Iceland, Latvia and Lithuania

"The Spanish delegation considers that the allocation of redfish in the waters of Iceland and of fishing opportunities in the waters of Latvia and Lithuania between the Member States for 2002 does not in any way prejudice the allocation to be made in future years, given that the fishing opportunities involved are new ones deriving from new agreements between the Community and those countries in which all Member States are entitled to participate, according to the judgment of the Court of Justice of 13 October 1992 in Case C-63/90 and others."

STATEMENT 178/01

Statement by the Portuguese delegation on the allocation in 2002 of certain catch quotas in the waters of Iceland

"The Portuguese delegation would like to draw attention to the fact that the allocation of fishing quotas under the agreement with Iceland will have to take account of the interests of all the Member States and respect the principle of non-discrimination."

STATEMENT 179/01

Statement by the Portuguese delegation on catch quotas in Greenland waters

"In 1997 the Council asked the Commission to evaluate and submit the proposals necessary for effective management of the agreements as regards full use of the fishing opportunities arising from them.

When the negotiating mandate for the 4th Protocol to the Fisheries Agreement between the European Community and Denmark, representing Greenland, was approved, the Commission and the Member States that are beneficiaries of the Agreement undertook to promote effective transfer of unused quotas. The Commission has not, to date, submitted proposals to that effect, though it is responsible for ensuring the sound management of fishing opportunities obtained in exchange for financial consideration.

The implementation of mechanisms for the full use of fishing opportunities becomes highly important when some Member States are faced with drastic losses of fishing quotas, involving the immobilisation of Community vessels, and at the same time, some quotas are not fully used.

The principles that guide the Common Fisheries Policy – particularly the principle of relative stability – must be taken into account, but cannot be invoked without a real basis, overriding other principles which are pillars of the legal architecture of the Community, in particular the principles of equity, non-discrimination and solidarity.

Portugal therefore hopes that the Commission will submit suitable proposals in fulfilment of the commitments given concerning under-use of quotas under the Fisheries Agreement with Denmark, representing Greenland."

STATEMENT 180/01

Statement by the Portuguese delegation on allocation of catch quotas in the waters of Estonia, Latvia and Lithuania

"The Portuguese delegation understands that the allocation of quotas approved for 2002 should not create any precedent for the allocation for quotas in the following years, since the quotas intended for the Community in the waters of Estonia, Latvia and Lithuania correspond to new fishing opportunities to which all the Member States are entitled, as established in the judgment of the Court of Justice of 13 October 1992 (Case C-63/90)."

STATEMENT 181/01

Statement by the German delegation

"The German delegation takes the view that the allocation between the Member States of the fishing rights for redfish granted by Iceland for 2002 is in keeping with the principle of relative stability."

STATEMENT 182/01

Statement by the German delegation

"The German delegation assumes that the allocation to the Member States of the cod, herring, salmon and sprat entitlements granted by Latvia and Lithuania for 2002, on which the Council agreed on 17 and 18 December 2001, will have no effect on the principle of relative stability."

STATEMENT 183/01

Statement by the Commission

"The Commission states that it intends to continue to apply a flat-rate method when establishing the coefficients for processing skimmed milk into caseins and into skimmed milk powder, used to calculate the values referred to in Article 3(3) of Regulation (EEC) No 2204/90."

Commission statements re Articles 11 and 15

STATEMENT 184/01

"With regard to the definition of "young farmer", the Commission will amend Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 in order to introduce a common definition of "young farmer". In that connection it will take account of the existing definitions in Regulation (EC) No 1257/1999 (Rural development) and in Regulation (EC) No 1493/1999 (Common organisation of the market in wine)."

STATEMENT 185/01

"The reference to new planting rights granted to young farmers covers both those granted (and still in force) under the previous system provided for in Regulation (EEC) No 822/87 and those granted under Articles 3(2) and 6(1) of Regulation (EC) No 1493/1999, which is being amended."

STATEMENT 186/01

"In accordance with Article 25 of Regulation (EC) No 1227/2000 the planting rights granted under the material improvement plans provided for in Regulation (EC) No 950/97 and governed by Article 6 of the former Regulation (EEC) No 822/87 which were valid on 1 August 2000 are automatically allocated to the appropriate national or regional reserve. If that reserve has not been set up the rights are held in suspense until it is set up and are then automatically allocated to it."

STATEMENT 187/01

Commission statement on Recital 10a

"The Commission declares that it cannot guarantee that it will be possible to respond to the request laid down in recital 10a, which *also* affects its right of initiative.

The Commission insists that establishing a positive list is a complex issue in which Member States and stakeholders are involved. For this reason the Commission launched a feasibility study on the establishment of a positive list of feed materials. The Commission will send a report on the outcome of this study to the Council and the European Parliament before 31 December 2002. Taking the outcome of this study into account, the Commission intends to make the appropriate proposals in due course."

STATEMENT 188/01

Statement by the Italian and Greek delegations

"While supporting the agreement reached on the Ozone Directive in a constructive spirit of cooperation, Italy and Greece voice their concern at the new elements introduced by the European Parliament in the compromise text regarding the definition of the long-term objectives and deadlines for achieving them. This is because the supplementary obligations introduced do not take into account the particular weather, climate and emission conditions of the countries of the Mediterranean Area and are not based on sound scientific evidence."

STATEMENT 189/01

Council statement re Article 4(2)

"The Council notes the Commission's intention of proposing to the Management Committee that the areas where producers currently qualify for the goat premium be maintained. The list of those areas may be extended in future by the same procedure in order to take account of developments in the sector."

STATEMENT 190/01

Council statement re Article 6(2)

"The Council invites the Commission to submit a proposal during the first six months of 2002, with the aim of improving the Community requirements on identification and registration in the sheep and goat sector."

STATEMENT 191/01

Statement by the United Kingdom delegation

"The United Kingdom does not support the Council proposal for a revised honey Directive. The spirit of the 1992 Edinburgh Summit was to simplify the vertical food Directives in the light of a more horizontal approach to food legislation. The exercise of revising the honey Directive has resulted in a far more prescriptive and complicated Directive with little direct benefit to the consumer. Also of concern is the introduction of mandatory wording on the retail sale of "baker's honey". The United Kingdom does not consider that this additional wording is necessary, and it could undermine the value of safety and quality labelling measures in other situations."

STATEMENT 192/01

Statement by the Spanish delegation

"The Spanish delegation considers that the proposal does not fully attain the main objective of simplification in order to harmonise the rules on labelling of the products within its scope.

From the start of revision of Directive 74/409/EEC, the need was felt to make a clear distinction between "honey" and "baker's honey", because of the difference in quality between the two products.

The Spanish delegation considers it unacceptable for the same product to receive different treatment in the various countries and, furthermore, terms such as "baker's honey" or similar appellations could mislead the consumer into thinking that this is even a product more suitable than real honey for certain uses. It is not enough to supplement the term referred to with the words "for cooking only", or something similar, to inform the consumer about the true nature of the product; nor does this in any way ensure that the product will be correctly used.

We therefore feel that this Directive does not achieve an acceptable degree of harmonisation for "baker's honey" and, as such, it could endanger the objectives which the Directive was designed to attain: provision of information to the consumer and ensuring the reliability of commercial transactions."

STATEMENT 193/01

Commission statement on Article 6

1. "The delegation of powers to adapt Community acts to technical progress is a general principle whereby the legislator provides for a simplified procedure for adapting Community acts to developments in science and technology. Consequently, this principle also affects other sectors than that of foodstuffs in the strict sense. Thus the principle has been very widely followed in the past, not only for all "technical barriers" directives, but also for other important Community acts.
2. The Commission believes that speedy adaptation of legislation to technical progress is vital for the competitiveness of the European sectors concerned and that the committee procedure is the appropriate instrument to achieve this. Moreover, economic operators want the Community to speed up its decision-making process when new technical or scientific data become known.
3. The Commission is therefore of the opinion that the provisions of Article 5 are the most appropriate means of meeting these needs.
4. The Commission has analysed the Directive and takes account of adaptation to technical progress:
 - For example, adaptation of the composition criteria for honey set out in Annex II.

"Adaptation to technical progress" therefore does not apply to the scope of the Directives or to the product definitions contained in the Annexes."

STATEMENT 194/01

Statement by the German delegation

"Germany is concerned about the inclusion of filtered honey in the Directive on honey as regards traceability and consumer information. It therefore requests the Commission to draw up provisions on honey under Article 18(5) of the Council common position with a view to the adoption of a Regulation of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Authority and laying down procedures in matters of food safety."

STATEMENT 195/01

Statement by the Commission concerning Article 4 ¹

1. "The delegation of powers to adapt Community acts to technical progress is a general principle whereby the legislator provides for a simplified procedure for adapting Community acts to developments in science and technology. Consequently, this principle also affects other sectors than that of foodstuffs in the strict sense. Thus the principle has been very widely followed in the past, not only for all "technical barriers" directives, but also for other important Community acts.
2. The Commission believes that speedy adaptation of legislation to technical progress is vital for the competitiveness of the European sectors concerned and that the committee procedure is the appropriate instrument to achieve this. Moreover, economic operators want the Community to speed up its decision-making process when new technical or scientific data become known.
3. The Commission is therefore of the opinion that the provisions of Articles 4 (proposal for a Directive on sugars), 5 (proposal for a Directive on preserved milk) and 7 (proposal for a Directive on fruit juices and similar products) are the most appropriate means of meeting these needs.
4. The Commission has analysed the Directives relating to preserved milk, sugars and fruit juices. In each of these Directives, the Commission takes account of adaptation to technical progress.
 - In the proposal on sugars, for example, the Directive makes reference to methods of analysis dating from 1969, which are now out of date; decisions on the adaptation of those methods could thus be made through a rapid committee procedure.

¹ This statement is identical to statements 197/01 and 203/01 in this document.

- For the proposal on preserved milk, adaptations of the criteria of composition and processing are laid down in Annexes I and II. The provision concerning the particular recommendation of use for infants is covered by the basic act.
- For the proposal on fruit juices, for example: if a particular designation became necessary as the result of a new accession, it should be possible to take a decision on it through a rapid committee procedure. The same applies if it is necessary to lay down the precise substances used for the processing authorised in the manufacture of fruit juices and nectars.

In these three cases, there is therefore no need to apply "adaptation to technical progress" to the scope of the directives or to the product definitions contained in the Annexes."

STATEMENT 196/01

Joint Council/Commission statements concerning methods of analysis

- (a) "The method described in Chapter B of the Annex to this Directive might need to be updated. The Commission undertakes to examine this question as soon as possible and will adopt measures where necessary.
- (b) Commission Directive 79/796/EEC on methods of analysis is out of date. The Commission will take appropriate measures in this area."

STATEMENT 197/01

Statement by the Commission concerning Article 7 ¹

1. "The delegation of powers to adapt Community acts to technical progress is a general principle whereby the legislator provides for a simplified procedure for adapting Community acts to developments in science and technology. Consequently, this principle also affects other sectors than that of foodstuffs in the strict sense. Thus the principle has been very widely followed in the past, not only for all "technical barriers" directives, but also for other important Community acts.
2. The Commission believes that speedy adaptation of legislation to technical progress is vital for the competitiveness of the European sectors concerned and that the committee procedure is the appropriate instrument to achieve this. Moreover, economic operators want the Community to speed up this decision-making process when new technical or scientific data become known.
3. The Commission is therefore of the opinion that the provisions of Articles 4 (proposal for a Directive on sugars), 5 (proposal for a Directive on preserved milk) and 7 (proposal for a Directive on fruit juices and similar products) are the most appropriate means of meeting these needs.
4. The Commission has analysed the Directives relating to preserved milk, sugars and fruit juices. In each of these Directives, the Commission takes account of adaptation to technical progress.
 - In the proposal on sugars, for example, the Directive makes reference to methods of analysis dating from 1969, which are now out-of-date; decisions on the adaptation of those methods could thus be made through a rapid committee procedure.

¹ This statement is identical to statements 195/01 and 203/01 in this document.

- For the proposal on preserved milk, adaptations of the criteria of composition and processing are laid down in Annexes I and II. The provision concerning the particular recommendation of use for infants is covered by the basic act.
- For the proposal on fruit juices, for example: if a particular designation became necessary as a result of a new accession, it should be possible to take a decision on it through a rapid committee procedure. The same applies if it is necessary to lay down the precise substances used for the processing authorised in the manufacture of fruit juices and nectars.

In these three cases, there is therefore no need to apply "adaptation to technical progress" to the scope of the directives or to the product definitions contained in the Annexes."

STATEMENT 198/01

Statement by the Commission concerning Annex I-I-1.(a)(b)

"Although it considers that the compromise solution reached on the definition of products strikes a satisfactory balance between the interests of producers and consumers, the Commission undertakes to examine, before the final adoption of the act, the possible impact of the definition of fruit juice and fruit juice based on concentrate on the market and on international trade."

STATEMENT 199/01

Statement by the Council and the Commission concerning Annex I, Part II, last indent

"The Council and the Commission agree that it will be necessary to examine the impact of Part II, last indent, of Annex I, and in particular the question of the content in oligosaccharides, and to submit proposals, where appropriate."

STATEMENT 200/01

Statement by the Greek delegation re Article 1

"The Greek delegation considers that the exclusion from the scope of the Directive of "fine bakery wares and pastries" does not solve the problem of rules for the marketing of such products outside the chain of production and production plant for the general public and mass catering.

So as to avoid the risk of watering down the contents of the Directive in practice, in particular in view of the "inverse carry-over" principle, an act with horizontal scope including supplementary provisions for intermediate products should be adopted in the near future."

STATEMENT 201/01

Statement by the German delegation re Article 2(6) and Annex III.B(1), fourth indent

"The view of the German delegation is that where the sulphur dioxide content is over 10mg/kg, it can be assumed that there is an additive to be indicated on the list of ingredients. The German delegation believes that, given the horizontal provisions of Directives 79/112/EEC and 95/2/EC, the planned rules are superfluous and that they do not serve to simplify legislation. In the interests of a swift adoption of the Directive, the German delegation is nonetheless able to agree to the rules it has misgivings about."

Statement by the Commission re Article 5

1. "The delegation of powers to adapt Community acts to technical progress is a general principle whereby the legislator provides for a simplified procedure for adapting Community acts to developments in science and technology. Consequently, this principle also affects other sectors than that of foodstuffs in the strict sense. Thus the principle has been very widely followed in the past, not only for all "technical barriers" Directives, but also for other important Community acts.
2. The Commission believes that speedy adaptation of legislation to technical progress is vital for the competitiveness of the European sectors concerned and that the committee procedure is the appropriate instrument to achieve this. Moreover, economic operators want the Community to speed up its decision-making process when new technical or scientific data become known.
3. The Commission is therefore of the opinion that the provisions of Article 5 (proposal for a Directive on fruit jams, jellies and marmalades and sweetened chestnut purée) are the most appropriate means of meeting these needs.
4. The Commission has analysed the Directive and takes account of adaptation to technical progress:
 - For example, adaptation of the types of treatment of raw materials set out in Annex III.

"Adaptation to technical progress" therefore does not apply to the scope of the Directives or to the product definitions contained in the Annexes."

Commission statement re Article 5¹

1. "The delegation of powers to adapt Community acts to technical progress is a general principle whereby the legislator provides for a simplified procedure for adapting Community acts to developments in science and technology. Consequently, this principle also affects other sectors than that of foodstuffs in the strict sense. Thus the principle has been very widely followed in the past, not only for all "technical barriers" directives, but also for other important Community acts.
2. The Commission believes that speedy adaptation of legislation to technical progress is vital for the competitiveness of the European sectors concerned and that the committee procedure is the appropriate instrument to achieve this. Moreover, economic operators want the Community to speed up its decision-making process when new technical or scientific data become known.
3. The Commission is therefore of the opinion that the provisions of Articles 4 (proposal for a Directive on sugars), 5 (proposal for a Directive on preserved milk) and 7 (proposal for a Directive on fruit juices and similar products) are the most appropriate means of meeting these needs.
4. The Commission has analysed the Directives relating to preserved milk, sugars and fruit juices. In each of these Directives, the Commission takes account of adaptation to technical progress.
 - In the proposal on sugars, for example, the Directive makes reference to methods of analysis dating from 1969, which are now out-of-date; decisions on the adaptation of those methods could thus be made through a rapid committee procedure.

¹ This statement is identical to statements 195/01 and 197/01 in this document.

- For the proposal on preserved milk, adaptations of the criteria of composition and processing are laid down in Annexes I and II. The provision concerning the particular recommendation of use for infants is covered by the basic act.
- For the proposal on fruit juices, for example: if a particular designation became necessary as the result of a new accession, it should be possible to take a decision on it through a rapid committee procedure. The same applies if it is necessary to lay down the precise substances used for the processing authorised in the manufacture of fruit juices and nectars.

In these three cases, there is therefore no need to apply "adaptation to technical progress" to the scope of the directives or to the product definitions contained in the Annexes."

STATEMENT 204/01

Commission statement concerning the proposal

"The Commission states that it will closely monitor developments on the preserved milk market and in particular aspects concerning protein content. In doing so, it will examine the consequences in particular in regard to:

- the competitiveness of European undertakings;
- the provisions on preserved milk adopted in the framework of the Codex Alimentarius;
- the product image;
- the advisability of appropriate labelling;
- the impact on the Community budget.

The Commission will report to the Council during 2000. If necessary, it will propose an adaptation of the present Directive."

STATEMENT 205/01

Statement by the Netherlands delegation

"The Netherlands considers it in the interest of the competitiveness of the European milk sector to authorise the standardisation of protein content at Community level. The Netherlands deplores the fact that the Commission has not yet submitted its report on the development of the market in preserved milks. It therefore invites the Commission to do so at the earliest opportunity."

STATEMENT 206/01

Statement by the Council and the Commission re new Article 22(3)(a)

"As regards the issuing of invoices by a third party in the name and on behalf of the taxable person, the Council and the Commission believe that in view of the contract between the two parties, the taxable person assumes total responsibility for ensuring that these invoices are correct and valid."

STATEMENT 207/01

Statement by the Council and the Commission re new Article 22(3)(b), third subparagraph

"The Council and the Commission state that a signature, in the legal sense of the word, will never be required for invoices: this is without prejudice to the electronic signature of electronic invoices, which is a standard security feature."

STATEMENT 208/01

Statement by the Council and the Commission re new Article 22(3)(b), fifth subparagraph

"The Council and the Commission state that the provisions relating to the language to be used for invoices and the translation of those invoices are to be understood without prejudice to the special provisions concerning other documents such as transport and accompanying documents."

STATEMENT 209/01

Statement by the Council and the Commission re new Article 22(3)(d), fourth subparagraph

"The Council and the Commission agree that a list of the storage periods laid down by Member States will be drawn up and publicised."

STATEMENT 210/01

Statement by the Council and the Commission re new Article 22(9)(e)

"The Council and the Commission agree that a tax reference number does not have to be a number given uniquely for taxation purposes."

STATEMENT 211/01

Statement by the Commission on the Council Decision on the adaptation of Part VII of and Annex 12 to the Common Consular Instructions and of Annex 14a to the Common Manual

"The Commission takes the view that it is not possible to change from a system of charging fees for the issue of a visa to charging for the processing of an application simply by adapting the Common Consular Instructions (CCI) and the Common Manual by Decision of the Council based on Regulations Nos 789/2001 and 790/2001.

The relationship established by the CCI and the Common Manual between charging of the fee and issue of the visa is based on Article 17(3)(d) of the Schengen Convention. It can be seen from this provision that fees are to be charged for issuing visas, not for processing applications.

The Commission is therefore of the opinion that the Schengen Convention will have to be amended before a system of application-processing charges can be introduced. Should the Council adopt its Decision without prior amendment of the Convention, the Commission reserves its full rights under the Treaty."

DECEMBER 2001	
OTHER ACTS	Votes made public
2392nd Council meeting (Employment and Social Policy) on 3 December 2001 Council Decision on the conclusion of the Agreements in the form of an exchange of letters between the European Community and, on the one hand, Barbados, Belize, the Republic of Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Surinam, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe and, on the other hand, the Republic of India on the supply of raw cane sugar to be refined 13890/01 + COR 1 (it) 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 approximation of the laws of the Member States relating to food supplements 12394/01 + REV 1 (fi) + ADD 1 Council Decisions on the conclusion of four Additional Protocols on wines and spirits to the Stabilisation and Association Agreements, and the Interim Agreements with the Republic of Croatia and the former Yugoslav Republic of Macedonia 13584/01 + COR 1 (pt), 13586/01 + COR 1 (sv) + COR 2 (it) + COR 3 (el) + COR 4 (pt), 13587/01 + COR 1 (pt), 13588/01 + COR 1 (pt) Council Resolution on follow-up to the Green Paper on corporate social responsibility 14180/01 + COR 1 (fi) + REV 1 (en) 2393rd Council meeting (Economic and Financial Questions) on 4 December 2001 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on waste electrical and electronic equipment 11304/01 + COR 1 + REV 1 (es) + ADD 1 + ADD 1 COR 1 (de)	

DECEMBER 2001	
OTHER ACTS	Votes made public
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 restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) 11356/01 + COR 1 (sv) + COR 2 + ADD 1 + ADD 1 COR 1 (de) Council Decision on the conclusion of an Additional Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks 14229/01 + COR 1 (pt) Council Regulation amending Regulation (EC) No 1267/1999 establishing an Instrument for Structural Policies for Pre-Accession 13367/01 2395th Council Meeting (Transport/Telecommunications) on 6 December 2001 Council Decision concerning the conclusion of the Agreement between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport 8010/1/01 REV 1, 8008/01 + REV 1 (en) Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 97/67/EC with regard to the further opening to competition of Community postal services 14091/01 + COR 1 (fr) + COR 2 (fi) + ADD 1 + ADD 1 COR 1 + ADD 1 COR 2 (fi)	

DECEMBER 2001	
OTHER ACTS	Votes made public
Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending for the 24th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (pentabromodiphenyl ether) 12332/01 + COR 1 (fi) + COR 2 (da) + 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 laying down a Community action programme promoting non-governmental organisations primarily active in the field of environmental protection 13397/01 + ADD 1 2396th Council meeting (Justice, Home Affairs and Civil Protection) on 6 December 2001 Council Recommendation for the creation of a joint scale for assessing threats to public figures visiting the European Union 8168/01 + COR 1 (en,es,sv) Council Resolution concerning a handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved 13858/01 + COR 1 + COR 2 (fi) 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 13923/01 + COR 1 (nl,el,es,pt,fi) Council Decision extending Europol's mandate to deal with the serious forms of international crime listed in the Annex to the Europol Convention 14195/01	

DECEMBER 2001	
OTHER ACTS	Votes made public
Council Common Position on participation by the European Union in the Korean Peninsula Energy Development Organisation (KEDO) 13592/01 Written procedure completed on 7 December 2001 Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and the Council on cross-border payments in euro 14562/01 + ADD 1 2397th Council meeting (General Affairs) on 10 December 2001 Cyprus/Malta Adoption of Council Decisions relating to the conclusion of two Additional Protocols fixing the provisions applicable to trade in certain fish and fishery products to the Agreements establishing an association between the EC and Malta and Cyprus, respectively 14331/01, 14330/01 Council Regulation amending Regulation (EC) No 2666/2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia and Regulation (EC) No 2667/2000 on the European Agency for Reconstruction 12650/01 Council Joint Action concerning the appointment of the Special Representative of the European Union in Afghanistan 14621/01 + REV 1 (en) Council Joint Action extending the mandate of the Special Representative of the European Union for the African Great Lakes Region 13762/01 Council Decision amending Decision 1999/325/EC providing macro-financial assistance to Bosnia and Herzegovina 14166/01	

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OTHER ACTS	Votes made public
Council Decision amending Decision 2001/549/EC providing macro-financial assistance to the Federal Republic of Yugoslavia 14169/01	
Council Decision amending Decision 1999/733/EC providing supplementary macro-financial assistance to the former Yugoslav Republic of Macedonia 14167/01	
Council Regulation applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004 12732/4/01 REV 4 + COR 1 (de)	P against
2398th Council meeting (Research) on 10 December 2001	
Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing opportunities and the compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2001 to 15 June 2006 13026/01 + COR 1 (fi)	
2401st Council meeting (Economic and Financial Questions) on 13 December 2001	
Common position adopted by the Council with a view to the adoption of a Recommendation of the European Parliament and of the Council concerning the implementation of Integrated Coastal Zone Management in Europe 13395/01 + REV 1 (fi) + ADD 1 + ADD 1 COR 1 (de) + ADD 1 COR 1 REV 1 (de)	

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OTHER ACTS	Votes made public
2400th Council meeting (Fisheries) on 17 December 2001	
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 Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 13013/01 Agreement with Mauritania • Council Regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 13712/01 • Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 13703/01 <u>Statements by Germany, Spain, Greece, Italy made public</u> <u>Statement by Germany</u> <i>"Having regard to the close relations between the Community and Mauritania and the long standing cooperation in fisheries <u>Germany</u> welcomes the finalisation of the negotiations with Mauritania.</i> <i><u>Germany</u> acknowledges the positive elements of the new protocol. The Community secured important fishing possibilities for the European fleet. A new clause of safeguard was developed in Article 4 of the Protocol which can lead to a better assessment of the state of the resources. However, there are elements of concern. The fishing possibilities were increased for some species, especially cephalopods, although there are indications that the state of the stocks is not satisfactory at present. The financial compensation was increased disproportionately without being justified by the increase in fishing possibilities. These elements should not set a precedent for other agreements. Having in mind the 1997 Council Conclusions and the recent Court of Auditors Report and</i>	EL against I abstention

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OTHER ACTS	Votes made public
<i>considering the debate on the reform of the Common Fisheries Policy the aims of the future policy on third country fishery agreements should be stressed.</i> <i>There is clear need for an improved consistency between the Common Fisheries Policy and the development, environmental and commercial policies in the spirit of partnership with the third countries concerned.</i> <i>In the framework of the debate on the reform of the Common Fisheries Policy, the Community should take the opportunity to agree on some concrete steps in order to improve consistency in order to give a clear signal of the Community's commitment in this regard to all stakeholders and the public.</i> <i>The stock assessments for the relevant resources in the EEZ's of the coastal developing states concerned should be improved. Therefore it is necessary that the Community encourages the relevant coastal states to reinforce the collection of data on the state of the resources and scientific research. A mixed Committee involving scientists from the relevant third country and the Community should be established and implemented as foreseen in Article 4 of the new protocol with Mauritania.</i> <i>It is essential that the Commission presents a comprehensive evaluation report in due time before the negotiations with a third country start. The report should comprise inter alia the following elements:</i> <i>– an environmental impact assessment with information on the state of the relevant resources, indicating the sources of information,</i> <i>– as assessment of the surplus of catch possibilities for the Community fleet on the basis of the justifiable level of total catches and best estimation of the present and future (length of the agreement) catch potential of the relevant coastal developing state,</i> <i>– information about how the precautionary principle is applied in the management of stocks, where there are insufficient foundations for the assessment of the stock status,</i> <i>– the situation of the national fleet of the third country and its development in the past and its expected future development considering that the development of the national fleet should have priority.</i>	

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<i>It is recommended that all relevant agencies, especially the Directorate-General of the Commission responsible for technical cooperation, are involved in the negotiations from the start of the preparations.</i> <i>The Community should encourage the relevant coastal developing states to improve control and enforcement. The Commission is asked to ensure that all Member States submit their catch data completely and in adequate form. The evaluation report should include information on the catch data submitted.</i> <i>Disproportional increases in the cost of agreements should be avoided. In the interest of transparency, the Commission should present, after the negotiations, the calculations of the costs for the fishing possibilities for the different stocks."</i> <u>Statement by Spain</u> 1. <i>"<u>The Spanish delegation</u> undertakes within the framework of the Fisheries Agreement to offer the Italian and Greek delegations supplementary fishing opportunities in categories 2 and 4, without undermining the principle of relative stability.</i> 2. <i><u>The Spanish delegation</u> states the following with regard to the German declaration concerning the Fishery Protocol with Mauritania:</i> <i>We consider that account must be taken of cooperation measures undertaken bilaterally on fisheries, which help the Community negotiator to appreciate the extent and importance of the European Union's attachment to the fisheries sector. Spain has informed the Community about the various channels of cooperation with Mauritania, while other Member States have not done so.</i> <i>With regard to the state of cephalopod stocks, the Commission was guided by the reports and assessments available and by recent information concerning the presence of other fleets in the fishery. In the case of cephalopods the number of vessels fishing in the area has been reduced by 40, and the Agreement provides only for 5 new licences.</i>	

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OTHER ACTS	Votes made public
<i>On the other hand, information on the state of small pelagic species resources is less extensive than that available for cephalopods. This fact could endanger 60 000 jobs, both in Mauritania and in Senegal, which depend on catches of sardinella and other pelagic species, and where the Community fleet has forecast catches in excess of 200 000 mt.</i> <i>Lastly, the Spanish delegation would like to stress that in all arrangements in which Spanish vessels are involved there is a collective agreement to encourage the hiring of Mauritanian seamen, up to levels close to 40% of the crew, as compared to 20% for the pelagic fleet.</i> <i>The Spanish delegation considers that this type of statement can prejudice the debate in connection with the reform of the CFP which will be held next year, the purpose of which is to achieve the correct application of principles already set out in the conclusions on the 1997 international fisheries agreements, relating to solidarity, equity and non-discrimination in the fisheries sector."</i> <u>Statement by Greece</u> <i>"Greece voted against the agreement reached in the Council with regard to the renewal of the Protocol to the fisheries agreement between the European Union and Mauritania, in view of the fact that:</i> <i>• fishing opportunities would have to be included for Greek vessels in categories 1 (crustaceans), 4 (fish) and 5 (cephalopods), because both under the previous Protocol and during the provisional period of application, Greek vessels regularly participated in exploitation using other delegations' Community quota surpluses,</i> <i>• in this context Greece recalls the 1997 Council conclusions, and Special Report No 3/2001 of the Court of Auditors concerning the European Commission's management of the international fisheries agreements, both of which stressed the need to avoid under-utilisation of fisheries agreements with third countries."</i>	

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OTHER ACTS	Votes made public
<u>Statement by Italy</u> <i>"The Italian delegation deplores the fact that, upon approval of the fisheries protocol negotiated with Mauritania, the proposed allocation of fishing opportunities for cephalopods disregards Italy's reasonable expectation of being awarded a further licence, in addition to those fished under in the past.</i> <i>Even bearing in mind Spain's difficulties as a result of the lack of an agreement with Morocco, regarding which full solidarity has been expressed, the Italian delegation regrets that more considered use has not, however, been made of the principles of balance and equity in allocating fishing opportunities for cephalopods.</i> <i>While thanking Spain for its willingness to transfer surplus fishing opportunities in category 4 (deep-sea fishing for demersal species), lastly, the Italian delegation would point out that it is established Community practice for fishing opportunities not taken up by Member States allocated them to be made available to any other interested Member States, in order to take full advantage of fisheries agreements."</i> Council Regulation on the conclusion of a Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the government of the Democratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 2001 to 20 May 2004 12061/1/01 REV 1 Council Regulation aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco 14593/01 Relations with the associated CCEE • Conclusion of Protocols on trade in fishery products with the Slovak Republic, Hungary, Poland, Slovenia, Estonia, Lithuania and Latvia 14470/01, 14471/01, 14472/01, 14473/01 + COR 1 (fr,de,it,nl,en,da,el,pt,sv), 14474/01, 14475/01, 14476/01	A against

DECEMBER 2001	
OTHER ACTS	Votes made public
Turkey/Cyprus/Malta • Council Decisions on the conclusion of Framework Agreements between the European Community and Cyprus, Malta and Turkey, respectively, on the general principles for the participation of Cyprus, Malta and Turkey in Community programmes 13249/01 + COR 1 (it) + COR 2 (de), 13248/01 + COR 1 (de), 13252/01, 13251/01 + COR 1 (de), 13254/01, 13207/01 + COR 1 (de) Council Regulation concerning pre-accession financial assistance for Turkey and amending Regulations (EEC) No 3906/89, (EC) No 1267/1999, (EC) No 1268/1999 and (EC) No 555/2000 14599/01 Council Decision on the signing, on behalf of the Community, and provisional application of an Agreement in the form of a Memorandum of Understanding between the European Community and the Islamic Republic of Pakistan on transitional arrangements in the field of market access for textile and clothing products 14056/01 "PERICLES" programme • Council Decision establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the "PERICLES" programme) 14641/01 • Council Decision extending the effects of the Decision establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting ("PERICLES" programme) to the Member States which have not adopted the euro as the single currency 14642/01 2402nd Council meeting (Agriculture) on 19 December 2001 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council concerning the distance marketing of consumer financial services and amending Council Directives 90/619/EEC, 97/7/EC and 98/27/EC 12425/01 + COR 1 (fi) + COR 2 (es) + COR 3 (it) + COR 4 (sv) + COR 5 (pt) + ADD 1	

DECEMBER 2001	
OTHER ACTS	Votes made public
Council Regulation amending Regulation (EC) No 2820/98 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001 so as to include Senegal in the list of countries enjoying the special support arrangement for the least developed countries 15174/01 Council Joint Action 2001/ /CFSP appointing the Special Representative of the European Union to act as Coordinator of the Stability Pact for South-Eastern Europe 14743/01 + COR 1 Decisions of the Representatives of the Governments of the Member States meeting within the Council, on certain measures concerning trade in certain steel products covered by the ECSC Treaty 14224/01 + COR 1 (da,en,fi,sv), 14225/01 + COR 1 + COR 2 (nl), 14226/01 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC 11367/01 + COR 1 (de) + COR 2 (sv) + COR 3 (sv) + ADD 1 + ADD 1 COR 1 (fi) Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency 13382/01 + COR 1 (fi) + COR 2 (fi) + ADD 1 REV 1 Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EC) No 2027/97 on air carrier liability in the event of accidents 10794/01 + COR 1 + COR 1 REV 1 (fr,nl) + COR 2 (nl) + ADD 1	

DECEMBER 2001	
OTHER ACTS	Votes made public
Council Regulation amending Regulation (EEC) No 404/93 on the common organisation of the market in bananas 14451/01 Written procedure completed on 27 December 2001 Combating terrorism • Council Common Position on combating terrorism 14771/01 • Council Common Position on the application of specific measures to combat terrorism 12915/01 • Council Regulation on specific restrictive measures directed against certain persons and entities with a view to combating terrorism 14772/01	F abstention
