



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 9 December 2005 (13.12)
(OR. fr)**

15616/05

PUBLIC 10

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
OCTOBER 2005

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in October 2005. 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 acts¹ adopted by the Council in October 2005, 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 Documents, 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 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2680th Council meeting (Transport, Telecommunications and Energy) on 6 October 2005 Council Decision amending Decision 2000/439/EC on a financial contribution from the Community towards the expenditure incurred by certain Member States in collecting data, and for financing studies and pilot projects for carrying out the common fisheries policy Council Regulation amending Regulation (EEC) No 2075/92 on the common organisation of the market in raw tobacco Directive of the European Parliament and of the Council on the type-approval of motor vehicles with regard to their re-usability, recyclability and recoverability and amending Council Directive 70/156/EEC Directive of the European Parliament and of the Council on enhancing port security	11527/05 + COR 1 (lv) 10646/05 PE-CONS 3634/2/05 REV 2 PE-CONS 3629/05 + REV 2 (lt)	 123/05 and 124/05	Qualified majority Qualified majority

OCTOBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2681st Council meeting (COMPETITIVENESS: Internal Market, Industry and Research) on 11 October 2005 Directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC	PE-CONS 3640/05 + COR 1 (fi) + REV 1 (de) + REV 2 (hu)		Qualified majority
2682nd Council meeting (Economic and Financial Affairs) on 11 October 2005 Council Decision authorising the Federal Republic of Germany and the Kingdom of the Netherlands to apply a measure derogating from Article 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	12036/05 + COR 1 (sv)		Unanimity

OCTOBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2683rd Council meeting (Justice and Home Affairs) on 12 October 2005			
Council Directive on a specific procedure for admitting third-country nationals for the purposes of scientific research	9288/05 + COR 1 + REV 1 (el) + REV 1 COR 1 (el) + REV 1 COR 2 (el) + REV 2 (el)	125/05	Unanimity
Council Decisions fixing the date of application of certain provisions of Council Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism	12578/05 12579/05		Unanimity Unanimity
Council Decision fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism	12580/05		Unanimity

OCTOBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2684th Council meeting (Environment) on 17 October 2005 Council Regulation laying down implementing measures for Directive 77/388/EEC on the common system of value added tax Directive of the European Parliament and of the Council amending for the twenty-seventh time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (polycyclic aromatic hydrocarbons in extender oils and tyres)	11384/05 + COR 1 (fr) + COR 2 (fi) + COR 3 (en) + REV 1 (sv) + REV 1 COR 1 (sv) + REV 2 (el) + REV 2 COR 1 (el) + REV 2 COR 2 (el) + REV 4 (lv) PE-CONS 3641/1/05 REV 1		Unanimity Qualified majority

OCTOBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council on reinsurance and amending Council Directives 73/239/EEC, 92/49/EEC as well as Directives 98/78/EC and 2002/83/EC 2685th Council meeting (Agriculture and Fisheries) on 24 and 25 October 2005 Council Decision authorising France to apply differentiated levels of taxation to motor fuels in accordance with Article 19 of Directive 2003/96/EC	PE-CONS 3639/05 + COR 1 (es) + COR 2 (fi) + COR 3 (pl) + REV 1 (hu) + REV 1 COR 1 (hu) + REV 2 (de) + REV 3 (sv) + REV 3 COR 1 (sv) + REV 4 (lv) 12627/05 + REV 1 (lt)	126/05 127/05	Qualified majority Unanimity

STATEMENT 123/05

Statement by the Commission re Article 13(2) and(3)

"The Commission states that its monitoring of the Directive will consist of verifying that all provisions of the Directive are taken into account in the conduct of the security assessment and the establishment and implementation of the security plan, and the measures established thereunder are homogeneous with the provisions adopted under Regulation (EC) No 725/2004 for the port facilities located in the port concerned."

STATEMENT 124/05

Statement by the German delegation on the Commission statement

"For the purpose of the uniform interpretation of the Commission's statement in 11461/1/05 REV1 ADD1 CODEC 650 MAR117 the Federal Republic of Germany declares that it is Germany's understanding that the Commission's statement refers to the text of the version of the proposal for a Directive of the European Parliament and of the Council on enhancing port security that is before the Council for adoption and is set out in PE-CONS 3629/05 MAR 81 CODEC 422 OC 336."

STATEMENT 125/05

Statement by the Commission

"The Commission welcomes the political agreement reached by the Member States on the Directive on the admission of third-country nationals to carry out scientific research in the European Community.

The Commission, however, regrets that the Directive, with the absence of a fixed deadline for processing applications for admission together with the lack of a more general possibility for third-country nationals holding a residence permit to submit applications whilst remaining legally, represents a step back from the original proposal made by the Commission, which could undermine the objective pursued by this Directive of enhancing the attractiveness of Europe for third country researchers."

STATEMENT 126/05

Statement by Spain and the United Kingdom

"The Spanish and UK delegations consider that, without prejudice to Article 15 of this Directive, in case of designation of a Gibraltar authority, the arrangements agreed between both countries relative to Gibraltar authorities in the context of EU and EC instruments and related treaties (7998/00) shall apply."

STATEMENT 127/05

Statement by the Council and the Commission

"The Council and the Commission note that the derogation does not lead:

- for unleaded petrol, to a level of taxation below EUR 571,5 per 1 000 litres, taking into account the regional differentiation of a maximum amount of EUR 35,4 per 1000 litres;
- for non-commercial gas oil, to a level of taxation below EUR 405,4 per 1 000 litres, taking into account the regional differentiation of a maximum amount of EUR 23,0 per 1 000 litres."

OCTOBER 2005	
OTHER ACTS	Votes made public
2678th Council meeting (General Affairs and External Relations) on 3 October 2005 Council Decision amending the Protocol on the Statute of the Court of Justice, in order to lay down the conditions and limits for the review by the Court of Justice of decisions given by the Court of First Instance 11687/05 + COR 1 (lv) + REV 1 (lt) Council Decision on the signing of a Protocol to the Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand, to take account of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 10966/05 Council Regulation imposing a definitive anti-dumping duty and collecting definitely the provisional duty imposed on imports of trichloroisocyanuric acid originating in the People's Republic of China and the United States of America 12107/05 Council and Commission Decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, 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 Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 10654/05	DK, EE, FI, NL and SE voted against

OCTOBER 2005	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of the agreement in the form of an exchange of letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission – AMM) and its personnel 12504/05 + COR 1 (en) 2680th Council meeting (Transport, Telecommunications and Energy) on 6 October 2005 Council Regulation on the conclusion of the Protocol setting out the tuna fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 1 January 2005 to 31 December 2010 11448/05 and 11449/05 ADD 1 REV 1 Council Regulation amending Regulation (EC) No 2603/2000 imposing a definitive countervailing duty on imports of certain polyethylene terephthalate originating, inter alia, in India 12110/05 Council Regulation amending Regulation (EC) No 2604/2000 imposing definitive anti-dumping duties on imports of certain polyethylene terephthalate (PET) originating, inter alia, in India 12184/05 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain magnesite bricks originating in the People's Republic of China 12246/05 + COR 1 (lt) Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) 12130/05	ES, FR and PT abstained NL, FI and SE voted against CZ abstained

OCTOBER 2005	
OTHER ACTS	Votes made public
2682nd Council meeting (Economic and Financial Affairs) on 11 October 2005 Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and Brunei, Singapore, Malaysia, Thailand and the Philippines on the participation of those states in the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission – AMM) 12321/05 + ADD 1 + ADD 1 COR 1 (en) + ADD 2 + ADD 2 COR 1 (en) + ADD 3 + ADD 3 COR 1 (en) + ADD 4 + ADD 4 COR 1 (en) + ADD 5 + ADD 5 COR 1 (en) 2683rd Council meeting (Justice and Home Affairs) on 12 October 2005 Council Recommendation to facilitate the admission of third-country nationals to carry out scientific research in the European Community 9290/05 + COR 1 + COR 2 + COR 3 + COR 4 (sv) + REV 1 (el) + REV 1 COR 1 (el) + REV 1 COR 2 (el) + REV 1 COR 3 (el) + REV 2 (el) 2684th Council meeting (Environment) on 17 October 2005 Council Decision repealing Decision 2001/131/EC concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement 12336/05 Council Joint Action appointing the European Union Special Representative in the former Yugoslav Republic of Macedonia and repealing Joint Action 2005/589/CFSP 12148/05	

OCTOBER 2005	
OTHER ACTS	Votes made public
• Council Common Position updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2005/427/CFSP 12186/05 • Council Decision implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/428/CFSP 12187/05 2685th Council meeting (Agriculture and Fisheries) on 24 and 25 October 2005 Council and Commission Decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, 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 Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 5783/05 + COR 1 Recommendation of the European Parliament and of the Council on film heritage and the competitiveness of related industrial activities PE-CONS 3625/05 + COR 1 (es) + REV 1 (es) and 13104/05 + ADD 1	
