



**COUNCIL OF
THE EUROPEAN UNION**

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Objet : MONTHLY SUMMARY OF COUNCIL ACTS
NOVEMBER 2002

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in November 2002. 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 November 2002, 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.

NOVEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
2460th Council meeting (Economic and Financial Affairs) on 5 November 2002			
Council Decision authorising Austria to apply a measure derogating from Article 21 of Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	11750/02		Unanimity
Council Decision authorising Germany and France to apply a measure derogating from Article 3 of Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	12992/02 + COR 1 REV 1 (de)		Unanimity
Council Regulation concerning the rules for the participation of undertakings, research centres and universities in the implementation of the Sixth Framework Programme of the European Atomic Energy Community (2002-2006)	11549/02		Unanimity

NOVEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
Regulation of the European Parliament and of the Council concerning the rules for the participation of undertakings, research centres and universities in, and for the dissemination of research results for, the implementation of the European Community Sixth Framework Programme (2002-2006)	PE-CONS 3647/02	149/02	P abstention Qualified majority
2461st Council meeting (Education, Youth and Culture) on 11 November 2002			
Council Regulation amending Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector	13362/02		P against Qualified majority
Council Regulation establishing the European Union Solidarity Fund	13283/02 + COR 1 (it) + COR 2 (sv)		Unanimity
2462nd Council meeting (Competitiveness (Internal Market, Industry and Research)) on 14 November 2002			
Decision of the European Parliament and of the Council amending Decision No 253/2000/EC establishing the second phase of the Community action programme in the field of education "Socrates"	PE-CONS 3653/02 + COR 1 (fr)		Qualified majority
	PE-CONS 3648/02	150/02	Qualified majority

NOVEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
Regulation of the European Parliament and of the Council on waste statistics	+ COR 1 (de) + COR 2 + COR 3 + COR 4 (fi) + COR 5 (fi)		
Legislative acts adopted after 2nd reading by the European Parliament in the framework of the codecision procedure			
Decision of the European Parliament and of the Council on the Community statistical programme 2003 to 2007 (20.11.2002)	14495/02 PE-CONS 3671/02		Qualified majority
Directive of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (20.11.2002)	14319/02 PE-CONS 3672/02		Qualified majority
2465th Council meeting (Transport, Telecommunications			

NOVEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
and Energy) on 25 November 2002 Directive of the European Parliament and of the Council on the energy performance of buildings 2468th Council meeting (Agriculture and Fisheries) on 28 November 2002 Council Regulation amending Regulation (EEC) No 4045/89 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund Council Regulation amending Regulation (EC) No 1098/98 introducing special temporary measures for hops Council Directive amending Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community	PE-CONS 3665/1/02 REV 1 12356/02 12317/02 13186/02 + COR 1 (sv) + COR 2 (de) + COR 3 (nl) + REV 1 (el)	151/02	Qualified majority Qualified majority Qualified majority Qualified majority
Council Decision authorising the Greek Government to grant	14483/02	152/02	S, DK, D abstentions

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
aid to cotton growers in Greece			Unanimity
2469th Council meeting (Justice and Home Affairs) on 28 November 2002			
Council Decision establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism	12715/02		Unanimity
Council Decision setting up a European Network for the Protection of Public Figures	9555/02		Unanimity
• Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence • Council Directive defining the facilitation of unauthorised entry, transit and residence	11909/02 + COR 1 11910/02 + COR 1 (nl)	153/02, 154/02	Unanimity Unanimity

STATEMENT 149/02**Statement by the Portuguese delegation**

"Portugal can see no justification for the omission, from the Regulation of the European Parliament and of the Council concerning participation and dissemination of research results, of a provision safeguarding the specific nature of the new instruments, viz. networks of excellence and major integrated projects.

Portugal has always argued that, in conception and implementation, networks of excellence and major integrated projects should be kept as open as possible, since there is a risk of using Community funding to strengthen what is already strong and works very well, whereas the aim should be to provide support where there is significant room for improvement in the quality of work and results.

The idea here, then, is to generate genuine Community added value, which can be ensured, in the absence of proof to the contrary, only if the minimum number of participants for the new instruments is five entities from at least three Member States.

Under the circumstances, Portugal cannot vote in favour of the Regulation and is therefore abstaining."

STATEMENT 150/02

Council statement re Annex I, Section 5(2) and Annex II, Section 5(2)

"The Council declares its willingness to provide the Commission with yearly updates for waste (headline) indicators as used in the major indicator reports of the Commission ¹, with reference to the Presidency Conclusions of the Lisbon European Council (March 2000) where the European Council "invites the Commission to draw up an annual synthesis report on the basis of structural indicators to be agreed relating to employment, innovation, economic reform and social cohesion", and to the Gothenburg European Council (June 2001) where the European Council agreed on "a strategy for sustainable development which completes the Union's political commitment to economic and social renewal, adds a third, environmental dimension to the Lisbon strategy."

¹ The Synthesis report and the Annual Environmental Indicator report.

STATEMENT 151/02

Commission statement

"The Commission confirms its intention to review after 2005 the list of levels of phytosanitary fees as proposed in Annex VIIIa, for possible modification."

STATEMENT 152/02

Commission statement

"On the basis of the available information, the Commission considers that the aid Greece wants to grant to its cotton producers constitutes a pure operating aid which could create distortions of competition, given the amounts indicated.

The Commission reserves the right to examine the issue further and if appropriate to take action."

STATEMENT 153/02

Council statement

"The Council has approved the texts of the Council Directive and Framework Decision on the penal framework to prevent the facilitation of unauthorised entry and residence of aliens.

Facilitation nowadays takes the serious form of illegal immigration networks which deceive those who have recourse to them and place them in very dangerous situations, as was dramatically demonstrated by the deaths in Dover in June 2000. Such networks are now inextricably linked with organised crime.

Taking into account the fact that Member States always have the option of applying a more severe penalty than is specified in the texts adopted and aware that the leaders of illegal immigration networks are criminals who cause serious harm to others, the United Kingdom, France and Luxembourg undertake to implement measures in their national law laying down, for the conduct referred to in Article 1(3) of the Framework Decision, a maximum penalty of at least ten years' imprisonment."

STATEMENT 154/02

Commission statement

"Given the importance of stepping up the fight against this form of crime without delay, the Commission is in favour of the adoption of sanctions at national level in cases of breach of Community rules intended to prevent unauthorised entry, movement and residence.

The Commission takes the view, however, that the Framework Decision is not the appropriate legal instrument by which to require Member States to introduce such sanctions and considers that its adoption cannot constitute a precedent. The Commission believes that the Community has competence to require the Member States to impose sanctions at national level, including penal sanctions where appropriate, where this is necessary to achieve a Community objective, under the powers conferred on it for the purpose of achieving the aims set out in Article 2 of the Treaty establishing the European Community."

NOVEMBER 2002	
OTHER ACTS	Votes made public
2460th Council meeting (Economic and Financial Affairs) on 5 November 2002	
Council Decision providing further macro-financial assistance to the Federal Republic of Yugoslavia 13294/02 + COR 1 (fi) Council Decision providing further macro-financial assistance to Bosnia and Herzegovina 13295/02 + COR 1 (fi) • Council Regulation amending Regulation (EC) No 384/96 on the protection against dumped imports from countries not members of the European Community 11508/02 • Council Regulation amending Regulation (EC) No 2026/97 on the protection against subsidised imports from countries not members of the European Community 11511/02 Council Decision on the signing, on behalf of the European Community, and provisional application of an Agreement in the form of a Memorandum of Understanding between the European Community and the Federative Republic of Brazil on arrangements in the area of market access for textile and clothing products 11949/02 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 activities and supervision of institutions for occupational retirement provision 11212/02 + COR 1 (fr) + ADD 1 + ADD 1 COR 1 (fi) + REV 1 (sv) + REV 2 (fi) + REV 3 (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 market access to port services 11146/02 + COR 1 (it) + COR 2 (nl) + COR 3 (fi) + COR 4 (fr) + COR 5 (nl)	B abstention S against

NOVEMBER 2002	
OTHER ACTS	Votes made public
Draft Council Decision on the existence of an excessive deficit in Portugal – Application of Article 104(6) of the Treaty establishing the European Community 13864/02 2461st Council meeting (Education, Youth and Culture) on 11 November 2002 Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing rights and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola for the period from 3 May to 2 August 2002 11393/02 + COR 1 (it) + COR 2 Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters on the extension of the Protocol setting out the fishing rights and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola for the period from 3 May to 2 August 2002 11391/02 + COR 1 (sv) Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway 11321/02 Council Decision extending and amending Decision 1999/730/CFSP concerning a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia 13464/02 Council Regulation amending Regulation (EC) No 603/1999 imposing a definitive anti-dumping duty on imports of polypropylene binder or baler twine originating in Poland, the Czech Republic and Hungary and collecting definitively the provisional duty imposed 13317/02	

NOVEMBER 2002	
OTHER ACTS	Votes made public
2462nd Council meeting (Competitiveness (Internal Market, Industry and Research)) on 14 November 2002 Interinstitutional Agreement between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy 10246/02 + REV 1 (fr,de,it,nl,da,el,es,pt,fi,sv) + REV 1 COR 1 (es,pt) + REV 1 COR 2 (nl) + REV 1 COR 3 (de) Common position adopted by the Council on ... with a view to the adoption of a Directive of the European Parliament and of the Council amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes 10927/02 + ADD 1 REV 1 2463rd Council meeting (General Affairs and External Relations) on 18 November 2002 Council Decision authorising the Member States, in the interest of the Community, to ratify or accede to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the "HNS Convention") 11248/02 + COR 1 (fi) + COR 2 (sv) Chile • Council Decision on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part 13765/02 + COR 1 et • Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part 11783/02 + ADD 1 + ADD 2 + ADD 3 + ADD 4 + ADD 5 + ADD 6 + ADD 7 Council Decision concerning the conclusion on behalf of the European Community of the International Cocoa Agreement 2001 13165/02	

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OTHER ACTS	Votes made public
Decision of the Representatives of the Governments of the Member States, meeting within the Council, concerning the conclusions of the European Council meeting in Brussels on 24 and 25 October 2002 14055/3/02 REV 3 2467th Council meeting (Competitiveness (Internal Market, Industry and Research)) on 26 November 2002 Council Decision on the conclusion of an Additional Protocol, laying down the trade arrangements for fish and fishery products, to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part 11332/02 + COR 1 (de) + COR 2 + COR 3 (en) + COR 4 (fi) <u>Statement by the Commission made public</u> <i>"Within the terms of its mandate and as envisaged in the Protocols to the Europe Agreements between the EU and the Central and Eastern European countries concerning trade in fishery products, <u>the Commission</u> will, after the first twelve months of application of the trade arrangements, contact those Central and Eastern European countries with a view to exploring the possibility of accelerating the liberalisation of the trade in fishery products. The results of those contacts will be communicated to the appropriate Council Working Party."</i> Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of polyester textured filament yarn (PTY) originating in India 13733/02 Council Regulation imposing a definitive countervailing duty on imports of polyester textured filament yarn (PTY) originating in India and terminating the proceeding concerning imports of PTY originating in Indonesia 13736/02 Council Joint Action 2002/.../CFSP extending the mandate of the European Union Monitoring Mission 14023/02 Council Decision 2002/.../CFSP extending the mandate of the Head of Mission of the European Union Monitoring Mission (EUMM) 14025/02	

NOVEMBER 2002	
OTHER ACTS	Votes made public
2468th Council meeting (Agriculture and Fisheries) on 28 November 2002 Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters concerning the amendment to the Annexes to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products 12318/02 + COR 1 (en) + COR 2 (it) + COR 3 (pt) 2469th Council meeting (Justice and Home Affairs) on 28 November 2002 Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention) and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol 13448/02 Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Morocco derogating temporarily, as regards the importation into the Community of tomatoes originating in Morocco, from Agricultural Protocol No 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part 13793/02	