



**COUNCIL OF
THE EUROPEAN UNION**

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TRANSPARENCY

Objet : MONTHLY SUMMARY OF COUNCIL ACTS
DECEMBER 2002

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in December 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 acts¹ adopted by the Council in December 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.

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
2471st Council meeting (Economic and Financial Affairs) on 3 December 2002 Council Directive amending Directive 77/388/EEC to extend the facility allowing Member States to apply reduced rates of VAT to certain labour-intensive services Council Decision extending the period of application of Decision 2002/185/EC authorising Member States to apply a reduced rate of VAT to certain labour-intensive services in accordance with the procedure provided for in Article 28(6) of Directive 77/388/EEC Directive of the European Parliament and of the Council on insider dealing and market manipulation (market abuse)	13044/02 + COR 1 (fi) + COR 2 (fi) + COR 3 (sv) 13045/02 PE-CONS 3602/03	 155/02, 156/02, 157/02, 158/2	Unanimity Qualified majority
2473rd Council meeting (Environment) on 9 December 2002 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, octabromodiphenyl ether)	PE-CONS 3664/02	159/02	Qualified majority

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
Regulation of the European Parliament and of the Council establishing common rules in the field of civil aviation security	PE-CONS 3660/02 + COR 1 (de) + COR 2 (sv) + REV 2 (fi)	160/02, 161/02	Qualified majority
Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	PE-CONS 3666/02 + COR 1 (de) + COR 2 (de,pt,es,el,fr,it,da,nl) + REV 1 (en) + REV 1 COR 1 (en) + REV 2 (sv) + REV 2 COR 1 (sv) + REV 3 (fi) + REV 3 COR 1 (fi)		Qualified majority
2474th Council meeting (General Affairs and External Relations) on 10 December 2002			
Council Regulation concerning Community financial contributions to the International Fund for Ireland (2003-2004)	13413/02		Unanimity
Council Decision amending Decision 89/688/EEC concerning the dock dues in the French overseas departments	13419/02		Qualified majority

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
2476th Council meeting (Agriculture and Fisheries) on 16-20 December 2002 Council Directive laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption Council Decision on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries Council Regulation fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks Council Regulation establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks Council Regulation amending, for the second time, Regulation (EC) No 2555/2001 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	14503/02 + COR 1 (nl)		Qualified majority
	15269/02		Unanimity
	14461/02 + COR 1 (es) + COR 2	162/02, 163/02	Qualified majority
	14457/02 + COR 1	164/02, 165/02, 166/02	Qualified majority
	15115/02		Qualified majority

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
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	14624/02 + COR 1 (sv)		Qualified majority
Council Regulation on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty	14858/02 + COR 1 (nl) + COR 1 (pt)	167/02, 168/02, 169/02	Qualified majority
Decision of the European Parliament and of the Council adopting an action programme for customs in the Community (Customs 2007)	PE-CONS 3649/02 + COR 1 (pt)		Abstention UK Qualified majority
Directive of the European Parliament and of the Council on public access to environmental information and repealing Council Directive 90/313/EEC	PE-CONS 3667/02 + REV 1 (da,de,en,es,fr,sv) + COR 1 (fi)	170/02, 171/02, 172/02	Abstention F, FIN Qualified majority
Directive of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment	PE-CONS 3662/02 + REV 1 (da,de,el,en,es,nl,pt)		Qualified majority
Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)	PE-CONS 3663/02 + COR 1 (it) + REV 1 (da,de,el,en,es,fi,fr,nl,pt,sv)	173/02	Qualified majority

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
Directive of the European Parliament and of the Council setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC	PE-CONS 3652/02 + COR 1 (fi)	174/02	Qualified majority
Council Regulation instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige	15836/02	175/02	Qualified majority
Reform of the Common Fisheries Policy			D, S against Qualified majority
(a) Council Regulation on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy	15780/02	176/02, 177/02, 178/02, 179/02, 180/02, 181/02, 182/02, 183/02, 184/02, 185/02, 186/02, 187/02, 188/02, 189/02, 190/02	
(b) Council Regulation establishing an emergency Community measure for scrapping fishing vessels	15779/02	191/02	
(c) Council Regulation amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector	15778/02	192/02	

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
Council Regulation fixing for 2003 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 catch limitations are required	15777/02 + ADD 1 + ADD 2	193/02, 194/02, 195/02, 196/02, 197/02, 198/02, 199/02, 200/02, 201/02, 202/02, 203/02, 204/02, 205/02. 206/02, 207/02, 208/02, 209/02, 210/02, 211/02	D/S against Qualified majority
Legislative acts adopted after 2nd reading by the European Parliament in the framework of the codecision procedure			
Regulation of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air (18.12.2002)	15571/02		Qualified majority
Regulation of the European Parliament and of the Council concerning the labour cost index (18.12.2002)	15572/02		Qualified majority
Decision of the European Parliament and of the Council establishing the European Year of Education through Sport 2004 (19.12.2002)	15570/02 PE-CONS 3604/03		Qualified majority

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
2477th Council meeting (Justice and Home Affairs) on 19 December 2002			
Council Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP	12608/02	212/02	Unanimity
Council Regulation laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes	13125/02 + COR 1	213/02, 214/02, 215/02	Unanimity
Council Regulation fixing for the 2003 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000	14510/02		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	14730/02		Qualified majority
Council Decision concerning the approval, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade	14425/02 + REV 1 (fi)	216/02, 217/02	Qualified majority
Regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals	PE-CONS 3675/02	218/02	Qualified majority

DECEMBER 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
Council Regulation implementing the Kimberley Process certification scheme for the international trade in rough diamonds	15328/02	219/02, 220/02, 221/02	Qualified majority

STATEMENT 155/02

Council statement re Article 11

"The Council states that the achievement of an effective system of securities markets supervision requires that adequate resources are allocated to the competent authorities to allow them to discharge properly their legal duties."

STATEMENT 156/02

Joint statement of the Council and the Commission re Article 12

"The Commission and the Council declare with regard to Article 12 that the competences stated in this article will be exercised without prejudice to the competences of the judicial authorities of the Member States."

STATEMENT 157/02

Joint statement by Spain and the United Kingdom re Articles 11 and 19

"The UK and Spanish delegations consider that, without prejudice to Articles 11 and 19 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 (doc. 7998/00) shall apply."

STATEMENT 158/02

Statement by Denmark and Austria re Article 6(4) and recital 26

"Denmark and Austria can vote for the common position as amended by the European Parliament in the second reading. However, Denmark and Austria regret the wording of Article 6(4) and continue to believe the main aim of this provision to be that the relevant authorities have access to all information about holdings. As regards information for the public, Denmark and Austria consider that, in the interests of protecting privacy, the information referred to in Article 6(4) should in principle be given on an aggregate basis, with an option for Member States to require information on an individual basis. That cannot be said to constitute a significant obstacle to transparency in this area."

STATEMENT 159/02

Statement by the United Kingdom delegation

Clarification of Recital 6 concerning decabromodiphenyl ether

"The UK, as joint rapporteur with France on the Risk Assessments and Risk Reduction Strategies for penta- (UK only), octa- and decabromodiphenyl ether wishes to clarify the position on these documents. As regards decabromodiphenyl ether, no specific risks have been identified for the environment, but further work is required to better understand some remaining uncertainties. For human health, the risk assessment concluded that there were no concerns. To help address the environmental uncertainties the UK, with the agreement of Member State experts, will arrange further short term studies. In parallel, and recognising the need to avoid delay should concerns be subsequently identified, the UK, with agreement of the Member State Competent Authorities, undertook to begin preparation of the risk reduction strategy. The need and scope for further measures, including precautionary action, could then be quickly considered once the results of the further studies are known in summer 2003."

STATEMENT 160/02

INTERINSTITUTIONAL DECLARATION

"In conjunction with the adoption of new Community legislation laying down common rules in the field of civil aviation security the European Parliament, the Council and the European Commission re-affirm their determination to continue to strengthen the quality of aviation security systems in the Community.

The three institutions recognise that this policy development raises important questions in relation to its funding aspects. In this context, while recognising the diversity of situations that currently exist in Member States and taking into account the policy position taken in February 2002 by the Member States of the EU at the Montreal Ministerial Conference on Aviation Security ¹ and taking note of the statement by the Commission that it would "consider positively public financing for the compensation of additional security measures" ², the necessity to avoid significant internal and external distortions of competition is a specific concern from a Community perspective.

The three institutions agree that this issue has to be analysed as a matter of urgency in order to identify both differences existing in the Community over the funding of aviation security and possible solutions.

They take note of the intention of the Commission to undertake immediately a study (which will address in particular the way the financing is shared between the public authorities and the operators, without prejudice to the distribution of competencies between the Member States and the European Community) and to submit to the European Parliament and to the Council the results and proposals if appropriate."

¹ Council public register, documents 5700/02 and 6053/02, and document AVSEC-Conf/02-IP/17.

² Opinion of the Commission of 12 June 2002 on the European Parliament's amendments to the Council common position, COM(2002) 327 final p. 5.

STATEMENT 161/02

Statement by Spain and Sweden

"With reference to the interinstitutional statement by the European Parliament, the Council and the Commission concerning this Regulation, Spain and Sweden reiterate their view that the extra cost entailed by certain additional air security measures which may be adopted should be met by users and operators, as stated in point 9 of the Council (Transport and Telecommunications) conclusions of 15 and 16 October 2001 on civil aviation.

In addition, they consider that, while respecting Community law, it is a matter for Member States alone to determine how and by whom the additional national security measures proposed in the Regulation are to be financed.

They also take the view that additional measures in response to an isolated event should not give rise to permanent arrangements committing the public authorities financially to a situation which, barring exceptional circumstances, should be resolved by way of the market."

STATEMENT 162/02

Statement by the Council and the Commission

"The Council and the Commission agree that the scope of the regulation fixing fishing opportunities for deep-sea fish stocks should be extended as soon as possible:

- to cover all international waters following the adoption of management measures within the relevant regional fisheries organisation, in particular NEAFC;
- to set TACs and quotas covering EC and international waters for further species, including deep-sea sharks, as soon as the necessary data become available and this is supported by sound scientific advice. The Commission will ask ICES to submit the scientific advice no later than 2003."

STATEMENT 163/02

Statement by the United Kingdom delegation

"The United Kingdom is unable to support these measures. The permit system and associated provisions for gathering data are welcome in that they may eventually facilitate the introduction of the limitations on effort that they truly needed to protect these fragile stocks. However:

- no timetable is set for introducing effort limitation, and there is a lack of provision to ensure the necessary urgent progress towards this;
- the measures (TACs and quotas) introduced to protect the stocks in the interim are inadequate;
- specifically, scientific advice is that TACs and quotas are not a suitable mechanism for protecting most deep water stocks, and the levels of TAC set will generally not lead to the degree of effort reduction that is needed;
- nor do the measures provide for the specific measures such as fishery closures that would be justified now and may become justified in the future to protect these stocks;
- in any case the basis for the TACs and quotas that have been set (at seemingly excessive levels in many cases) has not been made clear.

The UK considers the package to be an inadequate one which does not inspire confidence in the EU's determination to tackle the wider problem of over-exploitation of commercial fish stocks."

STATEMENT 164/02

Statement by the Council and the Commission

"The Council and the Commission agree that the threshold levels of Articles 3 and 4 for the application of the provisions on effort management of this Regulation will be evaluated as soon as practicable and in any case no later than 30 June 2005 on the basis of available data. This will be done in the context of the implementation of this Regulation, in order to assess its adequacy to determine the most appropriate effort limitations.

If this evaluation shows that changes in these threshold values are needed, the Commission will propose the necessary changes."

STATEMENT 165/02

Statement by the United Kingdom delegation

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The UK considers the package to be an inadequate one which does not inspire confidence in the EU's determination to tackle the wider problem of over-exploitation of commercial fish stocks."

STATEMENT 166/02

Statement by the Commission

"The Commission considers that the observer programme (Article 8) should apply to all fleets concerned, except in cases in which the small size of the vessel may make the deployment of observers on board impractical. In such cases, data collection should be ensured through sampling at port."

STATEMENT 167/02

Joint statement by the Council and the Commission on the functioning of the network of competition authorities

- "1. The today adopted Regulation on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty establishes a directly applicable exception system in which the competition authorities and courts of the Member States, along with the Commission, have the power to apply not only Articles 81(1) and 82 of the Treaty, which have direct applicability by virtue of the case-law of the Court of Justice of the European Communities, but also Article 81(3) of the Treaty.
2. In order to ensure that the Community competition rules are applied effectively and consistently, the Commission and the national competition authorities designated by the Member States (hereafter NCAs) form together a network of competition authorities (hereafter the Network) for the application in close cooperation of Articles 81 and 82 of the Treaty.
3. This Joint Statement is political in nature and does therefore not create any legal rights or obligations. It is limited to setting out common political understanding shared by all Member States and the Commission on the principles of the functioning of the Network.
4. Details will be set out in a Commission notice which will be drafted and updated as necessary in close cooperation with Member States.

General principles

5. The cooperation within the Network is dedicated to the effective enforcement of EC competition rules throughout the Community.
6. Decentralisation of the implementation of Community competition rules strengthens the position of the NCAs. These will be fully competent to apply Article 81 and 82 of the Treaty, actively contributing to the development of competition policy, law and practice.

7. All competition authorities within the Network are independent from one another. Cooperation between NCAs and with the Commission takes place on the basis of equality, respect and solidarity.
8. Member States accept that their enforcement systems differ but nonetheless mutually recognise the standards of each other's system as a basis for cooperation.
9. The Commission, as the guardian of the Treaty, has the ultimate but not the sole responsibility for developing policy and safeguarding efficiency and consistency. Therefore, the instruments of the Commission on the one hand and of the NCAs on the other hand are not identical. The additional powers the Commission has been granted to fulfil its responsibilities will be exercised with the utmost regard for the cooperative nature of the Network.
10. Cooperation within the Network and the management of information will be as efficient as possible. All members of the Network will minimise the administrative burden of participating in the Network on the understanding that any information exchanged under Article 11 of the Regulation will be made available and easily accessible to all Network members.

Division of work

11. Without prejudice to Article 11(6) of the Regulation, all Network members have full parallel competence to apply Articles 81 and 82 of the Treaty.
12. Case allocation will be completed as quickly as possible. An indicative time limit (up to 3 months) will be used within the Network. Normally, this allocation will remain definitive to the end of the proceedings provided that the facts known about the case remain substantially the same. If so, this implies that the competition authority which has notified the case to the Network, will normally remain the responsible competition authority if it is well placed to deal with the case and no other competition authority raises objections during the indicative time period.

13. All members of the Network will endeavour to make allocation a predictable process with business and other interested parties receiving guidance as to where to direct complaints.
14. Members of the Network will ensure that those cases which merit a detailed investigation by a competition authority are adequately allocated and assessed. This principle does not prejudice the discretion of all Network members to decide whether or not to investigate a case.

Authority(-ies) well placed to act

15. Members of the Network will ensure an effective enforcement of Articles 81 and 82 of the Treaty. Cases will be dealt with by an authority, or by authorities, able to restore or maintain competition in the market. To that effect, the members of the Network will take into account all relevant factors in particular in which markets the main anti-competitive effects are felt and which authority is most able to deal with a case successfully depending on the ability of the authority to gather evidence, to bring the infringement to an end and to apply sanctions effectively.
16. Cases will be dealt with by a single competition authority as often as possible. A single NCA will be usually well placed to act if only one Member State is substantially affected by an agreement or practice, particularly when the main anti-competitive effects appear in the same Member State and all participating companies to an agreement or an abusive behaviour have their seat in that Member State.
17. Where an agreement or practice substantially affects competition in more than one Member State, the Network members will seek to agree between them who is best placed to deal with the case successfully.
18. In cases where single action is not possible (when competition in several Member States is affected and no NCA can deal with the case alone successfully), the Network members should coordinate their action and seek to designate one competition authority as the lead institution.

19. The Commission will be particularly well placed to deal with a case if more than three Member States are substantially affected by an agreement or practice, if it is closely linked to other Community provisions which may be exclusively or more effectively applied by the Commission, if Community interest requires the adoption of a Commission decision to develop Community competition policy particularly when a new competition issue arises or to ensure effective enforcement.

Consistent application of Community competition rules

20. After the initial allocation period, when the same case (same market, same parties, same conduct/agreement) is being dealt with by more than one NCA well placed to do so, one national competition authority will take a formal decision, whilst others stay their proceedings or, if this is not possible, the NCAs will deal with the case in close cooperation.
21. After the initial allocation period, when a case is being dealt with by one or several competition authority(-ies) which is (are) well placed to do so, the Commission will normally not open proceedings with the effects of relieving them of their competence pursuant to Article 11(6) of the Regulation unless one of the following situations arises:
- (a) Network members envisage conflicting decisions in the same case;
 - (b) Network members envisage a decision which is obviously in conflict with consolidated case law; the standards defined in the judgements of the Community courts and in previous decisions and regulations of the Commission should serve as a yardstick; concerning facts, only a significant divergence will trigger an intervention of the Commission;
 - (c) Network member(s) is (are) unduly drawing out proceedings;

- (d) There is a need to adopt a Commission decision to develop Community competition policy in particular when a similar competition issue arises in several Member States;
- (e) The national competition authority does not object.

Should the Commission decide to open proceedings with the effects of Article 11(6) of the Regulation, it will do so as soon as possible.

- 22. If an NCA is already acting on a case, the Commission will explain the reasons for the application of Article 11(6) of the Regulation in writing to the NCA concerned and to the other members of the Network.
- 23. The Commission will normally not - and to the extent that Community interest is not at stake – adopt a decision which is in conflict with a decision of an NCA after proper information pursuant to both Article 11(3) and (4) of the Regulation has been provided and the Commission has made no use of Article 11(6) of the Regulation.
- 24. Network members will inform the other members of the Network about rejections of complaints and the termination of investigations on all cases which have been notified within the Network pursuant to Article 11(2) and 11(3) of the Regulation."

STATEMENT 168/02

Statement by the Commission

"The today adopted Regulation establishes a directly applicable exception system. It is without prejudice to the ability of the Commission to issue informal guidance to individual undertakings seeking it, where individual cases give rise to genuine uncertainty because they present novel or unresolved questions for the application of Articles 81 or 82.

The Commission is prepared to issue a Notice which sets out the circumstances under which guidance in the form of written opinions could be provided. The Commission shall have no obligation to provide guidance in any individual case."

STATEMENT 169/02

Statement by the German delegation on Article 2 of the Regulation

"With a view to supplementing in particular recital 5 of this Regulation, the Government of the Federal Republic of Germany confirms its view that Article 83 of the Treaty is not a sufficient legal basis for introducing or amending criminal law or criminal procedural law provisions. This applies in particular to fundamental procedural safeguards in criminal proceedings such as the presumption of innocence on the part of the defendant. The Government of the Federal Republic of Germany would point out that these procedural safeguards also apply to criminal-law-related proceedings such as monetary fine proceedings and enjoy constitutional status. It accordingly assumes that the present Regulation, and in particular Article 2 thereof, cannot amend or adversely affect such criminal law or criminal procedural law provisions applicable to criminal proceedings or criminal-law-related proceedings and legal principles of the Member States."

STATEMENT 170/02

Statement by the Finnish delegation

"Finland is committed to the adoption of the Directive and to the improvement of access to environmental information. However, Finland considers the amendment to the second sentence of the second subparagraph of Article 4(2) of the Directive to be problematic. The amendment requires a general comparison of interests to be made in every case where refusal to disclose information is contemplated. The amendment is not based on the Århus Convention, nor does it in Finland's view improve access to information. If the right of access to information is based on general legislation in Member States, the justification for refusal of access should be laid down in a consistent and clearly defined manner, to ensure that the granting of access will be the general rule. Such non-specific and general comparison of interests in individual cases may lead to indiscriminate restriction of access. In addition, Finland notes that the Article is not consistent with the sixteenth recital in this respect."

STATEMENT 171/02

Statement for the minutes by the German delegation concerning the new environmental information Directive

"The Federal Government welcomes the overall compromise on the new environmental information Directive reached through the conciliation procedure and would make the following points:

Recital 18 states that public authorities "should be able to make a charge for supplying environmental information but such a charge should be reasonable. This implies that, as a general rule, charges may not exceed actual costs of producing the material in question". The Federal Government understands the words "producing the material in question" to also cover the carrying out of any preparatory activities such as searches, compilation, processing, etc., of environmental information.

Article 4(2), second subparagraph, third sentence, provides that Member States may not adduce the ground for an exception given in Article 4(2), first subparagraph, point (f) (confidentiality of personal data relating to a natural person), in the case of requests relating to information on emissions into the environment. The Federal Government assumes that this provision is in line with the EC's data-protection regulations and is to be applied accordingly.

The Federal Government understands the rules in Article 7 of the Directive to mean that local authorities are obliged to actively disseminate environmental information only to the extent of their specific and geographical competence. The Federal Government thinks that this obligation can be met not only by electronic dissemination but also by the usual local means of notification. This interpretation in no way affects the right to information pursuant to Article 3 of the Directive which the citizen may exercise by making a request."

STATEMENT 172/02

Statement by the French delegation

"As in the case of the current Directive 90/313/EEC, France thinks that the Directive does not imply any modification to the status of the Council of State, a mixed body which is both the supreme judicial body of the administration and the adviser of the Government and whose opinions are confidential whatever the issue; its judicial function can be excluded from the scope of the Directive by Article 2(2), last subparagraph, and the confidentiality of its advisory function is covered by the exception in Article 4(2)(a)."

STATEMENT 173/02

Joint statement by the European Parliament, the Council and the Commission

re Article 9

Financing in respect of WEEE from users other than private households

"Noting that concerns have been raised about the possible financial implications for producers of the present wording of Article 9, the Council, the European Parliament and the Commission declare their common intention of examining these issues at the earliest opportunity. Should these concerns prove to be founded the Commission states its intention to make a proposal to amend Article 9 of the Directive. The Council and the Parliament undertake to act expeditiously on any such proposal in accordance with their respective internal procedures."

STATEMENT 174/02

Statement by the German delegation

"Under Article 14(1) traceability data must be kept for at least 30 years. For storage and technical data-processing reasons, such a lengthy period of preservation causes considerable problems for blood and plasma donation establishments and for hospitals in Germany. Germany has opposed this rule and refers to Article 152(5) of the EC Treaty which in respect of the medical use of blood and hence the documentation of patients' and therapy data does not affect national provisions."

STATEMENT 175/02

Statement by the German delegation

"It is the understanding of the German delegation that the appropriations allocated to the restructuring programme for the Spanish and Portuguese fishing fleets (EUR 30 million, Morocco) are not needed in the long term and can therefore be made available for making good the damage caused by the Prestige tanker disaster."

STATEMENT 176/02

Statement by the Council and Commission on Article 3(n)

"The Council and the Commission agree that this provision is without prejudice to vessels flying the flag of a Member State and registered in a territory of that Member State which is not part of the Community."

STATEMENT 177/02

Statement by the Commission on fishing effort limitation

"The Commission will present a report to the Council and the European Parliament on the application of fishing effort limitation within two years from a new fishing effort limitation entering into force, in particular as part of a recovery or management plan."

STATEMENT 178/02

Statement by the Council and the Commission on Articles 5, 6 and 20

"The Council and the Commission agree that the application of fishing effort limitation shall be without prejudice to relative stability."

STATEMENT 179/02

Statement by the Commission on Article 12 on revision of reference levels

"The Commission states that the reference levels may be revised to take account of:

- decisions by the Commission relating to the implementation of MAGP IV following requests submitted to it by Member States by 31 December 2002 at the latest;
- the remeasurement in tonnage of the fleets as laid down in Community provisions that Member States have to comply with by 31 December 2003 at the latest."

STATEMENT 180/02

Statement by the Council and the Commission on outermost regions

"The Commission will examine the way in which the provisions of Article 13 can be adapted to take account of the structural, social and economic situation of the outermost regions referred to in Article 299(2) of the Treaty with a view to presenting a proposal to the Council before 1 July 2003. Until the adoption of any new rules, the status quo shall apply."

STATEMENT 181/02

Statement by the Council and the Commission on the French overseas departments

"The Commission will examine the way in which the provisions of Article 13 can be adapted to take account of the structural, social and economic situation of the French overseas departments in accordance with the Commission Declaration of December 1999, with a view to presenting a proposal to the Council before 1 July 2003."

STATEMENT 182/02

Statement by the Council and the Commission on Article 13

"The requirements set down in Article 13 of this Regulation in relation to the entry of new capacity into the fleet with public aid after 1 January 2003, shall only be applicable to the entry of new capacity in respect of which a formal approval of public aid by the Member State has been granted after 31 December 2002."

STATEMENT 183/02

Statement by the Commission on Article 14

"The Commission intends to propose implementing rules according to which the annual reports to be drawn up by Member States and the summary to be presented by the Commission will have to show a true picture of the balance between fishing capacity and the fishing opportunities available. To achieve this at least the following elements shall be included in Member States' reports:

- (i) a fleet analysis in relation to stocks important to that Member State and in particular in relation to stocks outside safe biological limits;
- (ii) the development of fleet capacity in nominal and real terms using *inter alia* data on actual and potential effort;
- (iii) where appropriate analysis should be carried out for segments of the fleet."

STATEMENT 184/02

Statement by the Spanish delegation on access to the 12 mile zone

"With regard to point 6 of Annex 1 to the Council Regulation on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, Spain hereby states that it is not in agreement with the conditions of access laid down for fishing by Spanish vessels in the waters 6 to 12 nautical miles from the Atlantic coast of France, between the frontier with Spain and 46° 08' North.

The conditions laid down for the fishing of pelagic species by Spanish vessels in that zone are based on the conditions laid down in Article 160 of the Act of Accession of Spain to the European Communities, and should be the same as those enjoyed by French vessels in the Spanish zone from 6 to 12 nautical miles in accordance with the principle of reciprocity which should prevail for access by vessels of one Member State to the zones 6 to 12 nautical miles from other Member States.

Spain reserves the right to raise this matter before the Court of Justice with a view to the amendment of this part of the Regulation."

STATEMENT 185/02

Statement by the Commission on fishing of non-regulated species in certain parts of Community waters

"The fishing of non-regulated species in the North Sea, Skagerrak/Kattegat and the Baltic Sea will be monitored. If the effect of fishing of non-regulated species will result in increased fishing effort on species under TACs and quotas, appropriate action will be taken."

STATEMENT 186/02

Statement by the Council and Commission on Article 28(3)

"Article 28(3) will not apply until implementing rules are adopted. These implementing rules will include rules and procedures under which the coastal State, in whose Exclusive Economic Zone the inspections would take place, would be required to be consulted before a decision is taken on whether the inspection of fishing vessels flying the flag of the inspecting Member State or an inspection pursuant to a specific monitoring programme would take place.

These implementing rules will also include rules and procedures regarding the entry of inspection vessels concerned and their operation while in the Exclusive Economic Zone of the coastal State."

STATEMENT 187/02

Statement by the Commission on Article 31(2)

"The notion of "fisheries interests in the sea area or fishing zone concerned" shall be understood as implying that any Member State has fishing interests in the sea or area concerned if it declares having such interests, and shall have the right to participate in the Regional Advisory Council covering the sea area or fishing zone concerned."

STATEMENT 188/02

Statement by the Spanish delegation on Council Regulations 685/95 and 2027/95

"Spain notes that, as confirmed by the Legal Service of the Council of the European Union, the rules included in Regulations Nos 685/95 and 2027/95 on adapting the transitional period procedures for Spain's full integration into the Common Fisheries Policy cease to have effect as from 1 January 2003.

Spain therefore states that as from that date it does not consider itself bound by those provisions, and will act accordingly."

STATEMENT 189/02

Statement by the Portuguese delegation on Council Regulations 685/95 and 2027/95

"Portugal states that it shares the Commission's view that Regulations 685/95 and 2027/95 relating to adjustment of the rules covering the transitional period for the full integration of Portugal and Spain into the Common Fisheries Policy will remain in force until Community legislation replacing them is adopted."

STATEMENT 190/02

Statement by the Irish delegation on Council Regulations 685/95 and 2027/95

"Ireland declares that Council Regulations 685/95 and 2027/95 remain fully applicable and have not been withdrawn, amended or repealed by Council. These regulations which provide for the full integration of Spain and Portugal into Western waters were agreed by Council in order to preserve balances of resources in this highly sensitive zone. These regulations did not expire on 31 December 2002. As the regulations remain fully in force Ireland will continue to implement the regulations in its Exclusive Fisheries Zone."

STATEMENT 191/02

Statement by the Council on financing

"The Council invites the Commission to evaluate the possibility for additional financing of the scrapping fund."

STATEMENT 192/02

Statement by the Council and Commission on the renewal of fishing vessels

"The Council and the Commission agree that no FIFG reprogramming under Article 14(2) of Council Regulation 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds can lead to an increase of the financial resources initially allocated to fleet renewal. The Commission will therefore not agree to any transfer of additional financial resources to the fleet renewal priority of any programming document."

STATEMENT 193/02

Statement by the Spanish delegation on quota allocations in the North Sea

"The Spanish delegation regrets that the Council did not decide to assign Spain a share in the North Sea fishing quotas requested in 13965/02 for:

Anglerfish
Dab and flounder
Megrin
Lemon sole and witch flounder
Blue whiting
Turbot and brill
Skate and ray
Spurdog
Horse mackerel

Spain considers its request fully justified, since the ban on access to fishing in that zone until 1 January 2003 based on the Act of Accession prevented the Council from taking Spanish interests into account when these fishing opportunities were distributed.

The Spanish delegation expresses its disagreement with this decision, which prevents Spain's full integration into the CFP in this respect, and reserves the right to assert its rights before the Court of Justice of the European Communities."

STATEMENT 194/02

Statement by the United Kingdom and Irish delegations on the Hague Preference

"The United Kingdom and Ireland consider that the Hague Preference constitutes an integral part of relative stability reflecting the need to safeguard the special needs of regions where local populations are especially dependent on fisheries and related industries. This is specifically recognised in Community fisheries policy and was set down in Council Regulation 170/83 and Council Regulation 3760/92. It has again been restated in Council Regulation 2371/2002. The Council has acknowledged in its decisions on quotas the invocation of the Hague Preference by the Member States concerned for more than 10 years; and the operation of the arrangements has been set out in the Commission's working document of October 1995. Further, the European Court (in 1998) upheld the appropriateness of the Council giving effect to the principle of relative stability through the application of the allocation keys together with the operation of the Hague Preference to take account of the special needs of parts of the United Kingdom and of Ireland. The United Kingdom and Ireland remain of the view that the invocation of the Hague Preference continues to constitute an essential part of the system of relative stability as applied under the CFP, and they look to the Commission and the Council to continue to respect invocations of the Hague Preference. The United Kingdom and Ireland note the Commission's intention, as stated in section 3.3 of the "Roadmap", to propose a more transparent approach for the operation of Hague Preference."

STATEMENT 195/02

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

"Belgium, 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 196/02

Statement by the Irish delegation on relative stability

"The Irish delegation reiterates the strongly held view of the Irish Government, that the overall share of the fish stocks allocated under quota to its fishermen falls short of a fair and reasonable level, does not meet the commitments made in Annex VII to the Council Resolution of 3 November 1976 and does not accord with the Community's broader regional development objectives.

The Irish delegation accordingly reserves the right to raise this matter again on an ongoing basis either in the context of relevant developments of proposals affecting the fishing sector or in any other appropriate Community policy framework. The Irish Government shall, therefore, continue to pursue this issue until a satisfactory solution is achieved."

STATEMENT 197/02

Statement by the French delegation on the retrocession to Saint Pierre and Miquelon of the yellowtail flounder quota

"Since 1996 France has been a member, by virtue of Saint Pierre and Miquelon, of the Northwest Atlantic Fisheries Organisation. When in 1985 the territorial collectivity ceased to be covered by the Common Fisheries Policy on account of its change in status and its membership of the group of Overseas Countries and Territories within the meaning of the Treaty of Rome, the yellowtail flounder quota, which had been fished by the vessels of Saint Pierre, continued to be allocated to the European Community.

Although small, this quota is nonetheless significant for the collectivity, for which reason the Government has regularly argued for its retrocession to Saint Pierre and Miquelon. France continues to seek retrocession of Saint Pierre and Miquelon's share of the Community quota of yellowtail flounder."

STATEMENT 198/02

Statement by the German delegation on the transfer of Greenland halibut to Norway

"Germany is entitled to a share of the Greenland halibut quota under the Fourth Protocol with Greenland. A part of it is transferred to Norway for the year 2003 without Germany's consent. This arrangement must be restricted to the year 2003 as an *ad hoc* measure. It does not set any precedent for later years."

STATEMENT 199/02

Statement by the Spanish delegation on the allocation in 2003 of certain catch quotas in the waters of Iceland, Estonia, 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 Estonia, Latvia and Lithuania between the Member States for 2003 in no way prejudices 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 200/02

Statement by the Spanish delegation on non-utilised fishing possibilities under the agreements with the Faroe Islands, Greenland, Iceland, Estonia, 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 2003 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, Estonia, Latvia, Lithuania and Norway. These transfers are clearly necessary for sound fisheries management, and their absence 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 201/02

Statement by the German delegation on transfer of fishing possibilities

"The German delegation reaffirms 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 delegation reaffirms 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 202/02

Statement by the German delegation on redfish in Icelandic waters

"The German delegation takes the view that the allocation between the Member States of the fishing rights for redfish granted by Iceland for 2003 is in keeping with the principle of relative stability."

STATEMENT 203/02

Statement by the German delegation on quota allocations in the Baltic Sea

"The German delegation assumes that the allocation to the Member States of the cod, herring, salmon and sprat entitlements granted by Estonia, Latvia and Lithuania for 2003, on which the Council agreed on 20 December 2002, will have no effect on the principle of relative stability."

STATEMENT 204/02

Statement by the Commission and the Council on anchovy in the Bay of Biscay

"The Commission and the Council will develop as early as practicable in 2003 a management strategy for the stock of anchovy in the Bay of Biscay that takes into account the short-lived nature of this species and the difficulties to estimate annual biomass well in advance to the fishing season."

STATEMENT 205/02

Statement by Member States, the Commission and the Council on seabass

"Member States will limit their fishing effort on directed fisheries for seabass in Community waters of the Atlantic to the levels of recent years.

Before the 15th of each month, each Member State will notify the Commission of the quantities of seabass from Community waters of the Atlantic, landed during the preceding month, in accordance with the conditions and procedures of Article 15(1) of Council Regulation (EEC) 2847/93.

The Council and the Commission agree that, in possible future allocation of quotas for Atlantic seabass stocks, catches from 2003 onwards will not be used to establish historical catch records."

STATEMENT 206/02

Statement by the Council on bluefin tuna

"The Council acknowledges the request by Greece to re-examine catch statistics for bluefin tuna in the light of the revised ICCAT data."

STATEMENT 207/02

Commission and Council statements on Swedish mackerel fishing

"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 for 2003 is limited to ICES IIIa and Community waters in IVab."

"The Council welcomes the progress already made 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 for 2003 is limited to ICES IIIa and Community waters in IVab."

STATEMENT 208/02

Statement by the Commission and the Council on multi-annual plans

"The Commission and the Council will develop and adopt, during 2003, multi-annual plans for the following stocks:

- hake – southern stock (divisions VIIc and IXa)
- sole in division VIIe (Western Channel)
- sole in division VIIIab (Bay of Biscay)
- haddock in division VIb (Rockall)
- Norway lobster in division VIIIc (Cantabrian Sea)
- Norway lobster in division IXa (Western Iberian peninsula)

Haddock and whiting to the West of Scotland (division VIa) and in the Irish Sea (division VIIa) are affected by the recovery plan for cod in these areas. The effects of such plans on the haddock and whiting stocks shall be evaluated during 2003."

STATEMENT 209/02

Statement by the Commission on closed areas for cod

"The Commission will ask for scientific advice in the first half of 2003 on:

- the delimitation of cod spawning areas in the North Sea and West of Scotland, and
- an analysis of the biological and economic impact of a permanent "no-fishing" zone to protect cod in these areas.

This advice will be taken into account in the Commission's proposals for future technical measures to be presented by July 2003."

STATEMENT 210/02

Statement by the Council on the recovery plan

"The Council declares that a fishing effort limitation system shall be part of the recovery plan. The Commission proposal, as amended, remains on the table and will continue to be the basis of work in the Council. The Council invites the Commission to present by 15 February 2003 at the latest any further elements for a decision, which the Council will take before 31 March 2003 with a view to its entry into force on 1 July 2003."

STATEMENT 211/02

Statement by the Council and the Commission on the recovery of cod and hake

"The Council and Commission declare that the TAC's for stocks concerned by the recovery of cod and hake will be reviewed in mid-2003 in the light of new scientific advice.

The Council takes note of the Commission's intention to:

- request STECF to conduct a mid-year assessment of the North Sea, Irish Sea and West of Scotland cod stocks, based on recent surveys or those planned for February-March 2003 and, for both cod and hake, an assessment of technical measures and other management measures taken in 2001 and 2002, and
- consider, after taking advice from STECF, the contribution that further technical measures could make to cod and hake recovery, such as increases in mesh size, other measures to increase the selectivity of fishing gears, closed areas and bans on the use of certain fishing methods, and to make the necessary proposals before 30 June 2003."

STATEMENT 212/02

Statement by the Council

"The Council invites Europol and Eurojust to hold regular meetings, for operational purposes and in order to achieve the best and most effective implementation of this Decision. The agreement to be concluded between Europol and Eurojust shall determine the modalities of the holding of such meetings."

STATEMENT 213/02

Statement by the Commission

Re Article 3

"The Commission undertakes, when it envisages the setting up of an executive agency, to present to the committee provided for in Article 23(1) of this Regulation a financial statement as defined in Article 28 of the Financial Regulation of 25 June 2002 applicable to the general budget of the European Communities and the implementing rules, containing a precise evaluation of the financial and budgetary implications, including in terms of savings and reallocation of appropriations released."

STATEMENT 214/02

Statement by the Commission

Re Article 15

"In accordance with Article 15 of the Regulation on executive agencies: *The standard financial regulation applicable to the operating [i.e. administrative] budget of an executive agency shall be adopted by the Commission.* The Commission undertakes to consult the European Parliament, the Council and the Court of Auditors on the draft standard financial regulation."

STATEMENT 215/02

Statement by the Commission

Re Article 18

"The Commission states that it will ensure that executive agencies use private-law contracts, subject to national laws, only as an exceptional arrangement and in compliance with the case law of the Court of Justice."

STATEMENT 216/02

Statement by the Commission

Re: Legal basis

"The Commission notes that there is unanimity in the Council to replace the legal base proposed by the Commission, namely Article 133, by Article 175(1) of the Treaty. The Commission considers that Article 133 is the correct legal base and reserves its right to make use of the legal means at its disposal."

STATEMENT 217/02

Statement by the Belgian and the Austrian Delegations

"Belgium and Austria consider the setting of a timetable for simultaneous adoption by the EC of an external act, in the form of a Decision ratifying a multilateral environmental convention, and an internal act, in the form of a Regulation implementing that external act, to be a political and not a legal act.

The Decision ratifying the Rotterdam Convention on prior informed consent, which includes such a timetable in the sixth recital, cannot be taken as a precedent for any future Decisions ratifying multilateral environmental conventions such as the Stockholm Convention on persistent organic pollutants."

STATEMENT 218/02

Statement by the Commission

Re: Legal basis

"The Commission notes that there is unanimity in the Council to replace the legal base proposed by the Commission, namely Article 133, by Article 175(1) of the Treaty. The Commission considers that Article 133 is the correct legal base and reserves its right to make use of the legal means at its disposal."

STATEMENT 219/02

Statement by the Council of the European Union

"The Council, reiterating Common Position 2001/758/CFSP of 29 October 2001 on combating the illicit traffic in conflict diamonds, as a contribution to prevention and settlement of conflicts, will continue to support the consultation process of governments, industry and civil society referred to as "the Kimberley process". The Council notes that to this end Member States may attend meetings of this process in their national capacity and participate within the limit of their national competencies, without prejudice to the competencies of the European Community in the Kimberley Process Certification scheme, where it is represented by the European Commission."

STATEMENT 220/02

Joint statement by the Council, the Member States and the Commission

"In accordance with their respective competencies, the Council, the Member States and the Commission declare that, within the context of development programmes, requests for assistance from rough diamond producing and exporting developing countries, in particular Least Developed Countries, aiming at enabling these countries to meet their obligations and commitments under the Kimberley agreement, should be favourably considered. In close cooperation with the countries concerned, the Member States and the Commission will explore ways to provide technical assistance in implementing the certification scheme."

STATEMENT 221/02

Statement by Belgium

"Belgium can approve the text of Annex IV (headed "Community certificate as referred to in Article 2") to the proposal for a Council Regulation implementing the Kimberley Process certification scheme for the international trade in rough diamonds, on the strict understanding that its approval is limited to the text of Annex IV and does not apply to any form of specimen certificate, which is not part of the text."

DECEMBER 2002	
OTHER ACTS	Votes made public
2470th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 3 December 2002 Council Resolution on Community consumer policy strategy 2002-2006 14740/02 Council Recommendation on the prevention of smoking and on initiatives to improve tobacco control 15294/02 + REV 1 (sv) Council conclusions on obesity 14739/02 2472nd Council meeting (Transport, Telecommunications and Energy) on 5 December 2002 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 initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC 8938/02 + COR 1 (fr,de,it,pt,sv,fi) + COR 2 (en) + ADD 1 REV 1 2473rd Council meeting (Environment) on 9 December 2002 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, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe 11465/02	D against

DECEMBER 2002	
OTHER ACTS	Votes made public
Council Regulation on the conclusion of the Protocol setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe 11464/02 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, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities 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 13267/02 + COR 1 (nl) + COR 2 (en) + COR 3 (de) Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on the establishment of a common classification of Territorial Units for Statistics (NUTS) 14052/02 + REV 1 (fi) + COR 1 (de) + COR 2 (pt) + ADD 1 REV 1 2474th Council meeting (General Affairs and External Relations) on 10 December 2002 Special Representatives of the European Union • Council Joint Action amending and extending the mandate of the Special Representative of the European Union in the former Yugoslav Republic of Macedonia 14004/02 • Council Joint Action amending and extending the mandate of the Special Representative of the European Union in Afghanistan 14008/02 • Council Joint Action amending and extending the mandate of the European Union Special Representative for the Middle East peace process 14010/02 • Council Joint Action amending and extending the mandate of the European Union Special Representative for the African Great Lakes Region 14021/02 • Council Joint Action amending and extending the mandate of the Special Representative of the European Union to act as a Special Coordinator of the Stability Pact for South-Eastern Europe 14015/02	

DECEMBER 2002	
OTHER ACTS	Votes made public
Council Common Position concerning restrictive measures against Somalia 14029/02 Council Decision concerning the implementation of Joint Action 2002/210/CFSP on the European Union Police Mission 15017/02 + COR 1 Council Decision concerning the conclusion of the Agreements between the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Romania, the Slovak Republic, Slovenia, Switzerland, Turkey and Ukraine on the participation of these States in the European Union Police Mission (EUPM) in Bosnia and Herzegovina 14601/02 + COR 1 + ADD 1 REV 1 + ADD 3 REV 1 + ADD 4 REV 1 + ADD 5 REV 1 + ADD 6 REV 1 + ADD 7 REV 1 + ADD 8 REV 1 + ADD 9 REV 1 + ADD 11 REV 1 + ADD 12 REV 1 + ADD 13 REV 1 + ADD 14 REV 1 + ADD 15 REV 1 + ADD 16 REV 1 + ADD 17 REV 1 Council Regulation on the safeguard measures provided for in the ACP-EC Partnership Agreement and repealing Regulation (EEC) No 3705/90 11784/02 Council Regulation on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 11769/1/02 REV 1 Council Decision on the fulfilment of the conditions laid down in the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, with regard to an extension of the period laid down in Article 8(4) of Protocol 2 to the Europe Agreement 14890/02 Interinstitutional Agreement extending the Interinstitutional Agreement on the financing of the Convention on the future of the European Union 14249/02 + COR 1 (en) + COR 2 + COR 3 (es)	

DECEMBER 2002	
OTHER ACTS	Votes made public
Written procedure completed on 12 December 2002 • Council Common Position updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2002/847/CFSP 15024/02 including annex • 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 2002/848/EC 15025/02 including Article 1 2476th Council meeting (Agriculture and Fisheries) on 16-20 December 2002 Council Regulation on the conclusion of the Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities 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 13269/02 Council Regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 July 2002 to 30 June 2006 14459/02 Council Decision on the signature and conclusion of the Agreement between the European Community and the Turkish Republic on precursors and chemical substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances 14263/02 Council Decision establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 and Annex II of Directive 1999/31/EC 14473/02 + REV 1 (fr) + REV 1 COR 1 (fr) + REV 2 (de) + REV 2 COR 1 (de) + REV 3 (pt)	

DECEMBER 2002	
OTHER ACTS	Votes made public
Council Decision on the signing, on behalf of the Community, and the provisional application of the Agreement between the European Community and the Kingdom of Cambodia, on trade in textile products, initialled in Phnom Penh on 18 October 2002 14630/02 Council Decision on the signing on behalf of the Community and the provisional application of the Agreement on trade in textile products between the European Community and the Kingdom of Nepal, initialled in Brussels on 23 October 2002 14633/02 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC 10506/02 + COR 1 (de,es,fr,fi,el,it,nl,sv) + COR 2 (de,da,es,fi) + COR 3 (da,pt) + COR 4 (fi) + ADD 1 Negotiations on the new import regime for cereals • Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the modification of concessions with respect to cereals provided for in EC Schedule CXL to the GATT 1994 15538/02 • Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Canada pursuant to Article XXVIII of GATT 1994 for the modification of concessions with respect to cereals provided for in EC Schedule CXL annexed to the GATT 1994 15539/02 2477th Council meeting (Justice and Home Affairs) on 19 December 2002 Council Regulation terminating a "new exporter" review of Council Regulation (EC) No 1600/1999 imposing definitive anti-dumping duties on imports of stainless steel wire with a diameter of 1mm or more originating in India, re-imposing the duty with regard to imports from one exporter in this country and terminating the registration of these imports 15031/02	DK against S/E/D abstentions

DECEMBER 2002	
OTHER ACTS	Votes made public
Council Regulation amending Regulation (EC) No 1601/2001 imposing a definitive anti-dumping duty and definitively collecting the provisional anti-dumping duty imposed on imports of certain iron or steel ropes and cables originating in the Czech Republic, Russia, Thailand and Turkey 14988/02 Relations with the Western Balkans - Stabilisation and Association Process • Council Regulation amending Regulation (EC) No 2248/2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Croatia 13786/02 • Council Regulation amending Regulation (EC) No 153/2002 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, and for applying the Interim Agreement between the European Community and the former Yugoslav Republic of Macedonia 13787/02 Council Decision concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions 14638/02 + COR 1 (de,da,en,es,fi,nl,pt,sv) + COR 2 (fr,it) Council Decision on providing further supplementary-financial assistance to Moldova 14307/02 Council Decision authorising the Member States, in the interest of the Community, to sign the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children 15063/02 + COR 1	

DECEMBER 2002	
OTHER ACTS	Votes made public
Council Resolution on special civil protection assistance to outermost and isolated regions, to insular regions, to regions which are not easily accessible, and to sparsely populated regions, in the European Union 10862/02 + COR 1 (fr,el,es,pt,sv) Council Decision on trade in certain steel products between the European Community and Ukraine 14567/02 Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Poland on the participation of this State in the European Union Police Mission (EUPM) in Bosnia and Herzegovina 15635/02 Council Common Position lifting restrictive measures against the União Nacional para a Independência Total de Angola (UNITA) and repealing Common Positions 97/759/CFSP and 98/425/CFSP 15466/02 + COR 1 (fi) Council Common Position concerning a prohibition on imports of rough diamonds from Sierra Leone 15462/02 + COR 1 (fi) Council Regulation concerning the importation into the Community of rough diamonds from Sierra Leone 15631/02 Council Resolution on amendment of the Liability for Defective Products Directive (Directive 85/374/EEC) 15653/02 + COR 1 (en) + COR 2 (fr) Council Resolution on the work plan on European cooperation in the field of culture: European added value and mobility of persons and circulation of works in the cultural sector 14181/02 + COR 1 (fr) Council Resolution on Interactive Media Content in Europe 14175/02	

DECEMBER 2002	
OTHER ACTS	Votes made public
Council Conclusions on the "Television without Frontiers" Directive 14180/02 + COR 1 (fr) Council Resolution on the Promotion of Enhanced European Cooperation in Vocational Education and Training 14343/02 + COR 1 (fr) 2478th Council meeting (Economic and Financial Affairs) on 11 December 2002 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 the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 July 2002 to 30 June 2006 14460/02 Written procedure completed on 20 December 2002 - Decision of the Representatives of the Governments of the Member States amending the Decision of the Representatives of the Governments of the Member States, meeting within the Council, of 21 February 2002 setting up a Fund for the financing of the Convention on the future of the European Union and laying down the financial rules for its management 14251/1/02 REV 1 - Adoption of the budget of the Fund for the financing of the Convention on the future of the European Union for the financial year 2003 15382/02 Adoption of the programme to improve cooperation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats 14627/02	

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