



**COUNCIL OF
THE EUROPEAN UNION**

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PUBLIC 12

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
DECEMBER 2005

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in December 2005. This is accompanied by statements in the minutes which may be released to the public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rules applicable;
- in **Annex III**, a list of the other acts¹ adopted by the Council in December 2005, with a reference, where appropriate, to voting results, explanations of vote and statements which the Council has decided to make public.

This document is also available via the Internet ("<http://ue.eu.int>"); see under Documents, then "Summary of Council Acts".

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question may also be obtained from the Transparency Department ("transparency@consilium.eu.int").

¹ With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2695th Council meeting (Transport, Telecommunications and Energy) on 1 and 5 December 2005 Decision of the European Parliament and of the Council amending Decision No 2256/2003/EC with a view to extension of the programme in 2006 for the dissemination of good practices and monitoring of the take-up of Information and Communication Technologies (ICTs) Directive of the European Parliament and of the Council repealing Council Directive 90/544/EEC on the frequency bands designated for the coordinated introduction of pan-European land-based public radio paging in the Community Directive of the European Parliament and of the Council concerning measures to safeguard security of electricity supply and infrastructure investment	PE-CONS 3658/05 PE-CONS 3657/05 + COR 1 (lt) + REV 1 (sk) PE-CONS 3654/05 + COR 1 (es) + COR 2 (it) + REV 1 (da) + REV 2 (fi) + REV 3 (pl)	131/05	Qualified majority Qualified majority Qualified majority

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Regulation of the European Parliament and of the Council on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC	PE-CONS 3660/05 + COR 1 (fi) + COR 2 (pt) + COR 3 (sl) + REV 1 (pl)		Qualified majority
2696th Council meeting (Justice and Home Affairs) on 1 and 2 December 2005			
Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status	12983/05 + REV 1 (pl) + REV 2 (fi) + REV 2 COR 1 (fi) + REV 3 (es)	132/05, 133/05, 134/05, 135/05	Unanimity
Regulation of the European Parliament and of the Council relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games in Turin	PE-CONS 3656/05		Qualified majority

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2697th Council meeting (Environment) on 2 December 2005 Regulation of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC	PE-CONS 3648/05 + COR 1 (sl) + COR 2 (nl) + COR 3 (fr) + COR 4 (fi) + COR 5 (es) + COR 6 (sv) + COR 7 + COR 8 (da) + REV 1 (pl) + REV 2 (de) + REV 3 (pl) + REV 4 (de)	136/05, 137/05, 138/05	Qualified majority
2699th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 8 and 9 December 2005 Council Regulation fixing for the 2006 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No°104/2000	14615/05 + REV 1 (lv)		Qualified majority

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council amending, for the twenty-ninth time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogenic, mutagenic or toxic to reproduction – c/m/r)	PE-CONS 3644/05 + REV 1 (pl) + REV 2 (hu)	139/05	Qualified majority
Directive of the European Parliament and of the Council amending Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors	PE-CONS 3661/05		Qualified majority
Directive of the European Parliament and of the Council on the use of vehicles hired without drivers for the carriage of goods by road (codified version)	PE-CONS 3650/05		Qualified majority

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2700th Council meeting (General Affairs and External Relations) on 12 December 2005 Council Directive amending Directive 77/388/EEC with regard to the length of time during which the minimum standard rate of VAT is to be applied Council Decision authorising the Federal Republic of Germany to conclude an agreement with the Swiss Confederation that includes provisions derogating from Articles 2(2) and 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes Council Decision authorising the Federal Republic of Germany to conclude an agreement with the Swiss Confederation that includes provisions derogating from Articles 2(2) and 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes Council Regulation amending Regulation (EC) No 3605/93 as regards the quality of statistical data in the context of the excessive deficit procedure	14308/05 + COR 1 (lv) + COR 2 (fi)	140/05	Unanimity
	14923/05		Unanimity
	14921/05		Unanimity
	10524/2/05 + REV 2 COR 1 (el) + REV 2 COR 2 (es) + REV 3 (it) + REV 4 (lt) + REV 5 (fi) + REV 6 (lv)		

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2702nd Council meeting (Agriculture and Fisheries) on 20, 21 and 22 December 2005 Council Regulation amending Regulation (EC) No 1493/1999 on the common organisation of the market in wine Council Regulation on the establishment of a FLEGT licensing scheme for imports of timber into the European Community Council Regulation establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation Council Regulation establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms	13465/05 + COR 1 (it) + COR 2 (es)	141/05	Qualified majority
	13660/05 + COR 1 (da) + REV 1 (de) + REV 2 (lv) + REV 3 (lv)	142/05, 143/05	Qualified majority
	14486/05 + REV 1 (lv)		Qualified majority
	14254/05 + REV 1 (fi) + REV 3 (lv) + REV 3 COR 1 (lv)	144/05, 145/05	Qualified majority

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Decision of the European Parliament and of the Council concerning the activities of certain third countries in the field of cargo shipping (codified version)	PE-CONS 3651/05 + COR 1 (en)		Qualified majority
Directive of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC	PE-CONS 3659/05 + REV 1 (lt) + REV 2 (fi) + REV 3 (de) + REV 3 COR 1 (de) + REV 4 (da) + REV 5 (pt)		Qualified majority
Council Decision amending Decision 2004/465/EC on a Community financial contribution towards Member States' fisheries control programmes	15269/05 + COR 1 + COR 2 (fr) + COR 3 + COR 4 (lv)		Qualified majority
Council Regulation for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98	15160/05 + COR 1 + COR 2 (lv) + REV 1 (da) + REV 2 (fi) + REV 2 COR 1 (fi)	146/05, 147/05, 148/05, 149/05, 150/05	Qualified majority

DECEMBER 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Directive amending Directive 69/169/EEC as regards the temporary quantitative restriction on beer imports into Finland	14905/05 + REV 1 (lt)		Qualified majority
Council Regulation amending Regulation (EC) No 974/98 on the introduction of the euro	14883/05		Unanimity
Council Regulation fixing for 2006 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	16054/05 + COR 1p REV 1 (mt)	151/05, 152/05, 153/05, 154/05, 155/05, 156/05, 157/05, 158/05, 159/05, 160/05, 161/05, 162/05, 163/05, 164/05, 165/05, 166/05, 167/05, 168/05, 169/05, 170/05, 171/05, 172/05, 173/05, 174/05, 175/05, 176/05	SE abstention Qualified majority
Council Regulation fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2006	16077/05	177/058	SE against Qualified majority
Council Directive on Community measures for the control of avian influenza and repealing Directive 92/40/EEC	15146/05 + COR 1 (fi)	178/05	Qualified majority

STATEMENT 131/05**Statement by the Commission**

"The Commission takes note of the agreement between the European Parliament and the Council. The Commission regrets the changes concerning Article 7 of its proposal relating to interconnector construction and maintains its position as to the need to strengthen the regulator's role with regard to infrastructure investment."

STATEMENT 132/05

Statement by the Council re Article 3

"The Council is of the view that the Member States which apply the provisions of Article 3(3) of the Directive can, where they suspend an examination of an application for asylum in accordance with Article 17 of Council Directive 2001/55/EC (on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof), also suspend the examination of the application for other kinds of international protection covered by the procedure referred to in Article 3(3) until such time as that suspension no longer applies."

STATEMENT 133/05

Statement by the Council re Article 27

"In adopting this Directive the Council recognises, having regard to the differing legal and constitutional traditions, that the rights of individuals are safeguarded in Member States according to their varying administrative, judicial and legal systems."

STATEMENT 134/05

Statement by the Council re Article 29

"The Council invites the Commission to submit, as soon as this Directive has entered into force, a proposal allowing the Council to adopt a minimum common list of third countries that shall be regarded by Member States as safe countries of origin."

STATEMENT 135/05

Statement by the Council re Annex II to the Directive

"The Council stresses its support for the abolition of the death penalty, as expressed in Protocols No. 6 and 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms. However, the Council recognises that ceasing to impose and execute the death penalty is a significant step towards abolishing the death penalty and encourages countries to continue their progress towards this end."

STATEMENT 136/05

Statement by Belgium

"Belgium welcomes the adoption of the Regulation implementing the inventories for the emission and transfer of pollutants.

This legislation allows for ratification by the European Community and implementation at European level of the UN-ECE Protocol to the Århus Convention signed in Kiev in 2003, by which Belgium sets great store.

The adoption of this Regulation also constitutes a further stage in the implementation of the principles of the Århus Convention, particularly as regards the "public access to information" pillar. It will speed up ratification of the Protocol by most of the Member States and enable its implementation.

The text reflects the provisions of the Protocol whilst taking account of the special features of European legislation.

However, one specific aspect of the Regulation, relating to diffuse sources, calls forth the following comments:

We consider that the phrase "releases from diffuse sources" in Article 8 also covers off-site transfers.

We also note that various European laws enable a great deal of data to be gathered on the production of hazardous and non-hazardous waste (Regulation on waste statistics, Basle Convention and Regulation No 259/93, framework Directive on waste 75/442, etc.) but that there remain major shortcomings as regards accessibility and availability of such data to the public.

The PRTR inventories drawn up under this Regulation will give only a partial picture of waste releases and transfers, meaning that caution must be exercised when using such data for the purpose of decision-making and assessment of policies in practice.

In view of the two points above , the Commission and the Member States could take initiatives, particularly in the framework of the PRTR Regulation, to make better use of existing data and thus, if necessary, to supplement PRTR data with a view to putting them in better perspective, bearing in mind the objectives set out in recitals 3 and 4 of the Regulation."

STATEMENT 137/05

Statement by the Commission

" It is the intention of the Commission, at the time of entry into force of this Regulation, to withdraw Commission Decision 2000/479/EC on the implementation of the European Pollutant Emission Register (EPER)."

STATEMENT 138/05

Statement by the Commission

" For activities which should be incorporated in Annex I of the IPPC Directive and which are not covered by the PRTR Regulation, the Commission may propose measures to include those new activities in this Regulation."

STATEMENT 139/05

Statement by the Commission

"With regard to the lack of uniformity in the "notes" listed in Annex I, the European Commission undertakes to improve consistency in this area.

At this stage the Commission takes the view that the *ad hoc* method of improving both the clarity and consistency of Directive 76/769/EEC is to delete from Annex I all the notes relating to labelling (and the relevant definitions). In fact, those notes contribute no added value as regards the obligations to be complied with in connection with the marketing and use by the general public of substances classified as carcinogenic, mutagenic or toxic to reproduction (categories 1 or 2).

At the same time, the European Commission stresses the need to retain in Directive 76/769/EEC all the notes relating to classification."

STATEMENT 140/05

Statement by Member States

"Member States undertake – as far as can be foreseen today – that from 1 January 2006 to 31 December 2010 they will make every effort to avoid widening the current span of 10 percentage points above the current lowest standard rate applied by Member States."

STATEMENT 141/05

Statement by the Commission concerning authorisation of the use of wood chips

"The Commission notes that, under the Management Committee procedure:

- Annex IV.4 to Regulation (EC) No 1493/1999 allows it to determine conditions for the use of oak chips in winemaking, which includes determining categories of wine concerned, and
- Annex VII.B.1(b) enables it to determine the conditions under which the labelling of table wines with geographical indication and quality wines psr may include indications concerning the means used to obtain or method used to manufacture the product.

It will consider the possibility of availing itself of those provisions with regard to the use of oak chips in winemaking."

STATEMENT 142/05

Statement by the Portuguese delegation

"Portugal considers that this agreement on the Regulation and the Commission's negotiating brief are a significant step by the European Union with regard to its political commitment to combat illegal activities in the wood trade and forestry. However, taking account of the global dimension of the market in forestry products and bearing in mind the conclusions of the Council meeting in October 2003, we consider that the measures taken now must tend towards a multilateral approach in order to avoid the adverse effects of the deviation of trade through countries not covered by the voluntary Partnership Agreements."

STATEMENT 143/05

Joint statement by the Belgian, German and Danish delegations

"We attach a great importance to EU initiatives aiming to prevent the import of illegally harvested timber. Therefore, we strongly appreciate the proposal made by the Commission for a regulation on the establishment of a voluntary FLEGT licensing scheme and the subsequent work done by the NL, LUX and UK presidencies. We consider the agreed text as an important step, within the broader overall FLEGT action plan, to tackle the urgent issue of illegal logging and its associated trade.

However, discussions have also shown the limits of the elaborated approach within the regulation with a view to eliminate illegal timber from national and international markets, as there will always be a risk that illegally produced timber will be directed to other markets. Also, there is a risk that illegal products exported by third countries will enter the EU after they were laundered in partner countries. Therefore, the delegations of Belgium, Germany and Denmark would like to underline the need to keep complementary steps, in particular to deal with problems regarding circumvention that might arise, under consideration in consultation with the respective partner countries."

STATEMENT 144/05

Joint statement by Portugal and Spain

"In the framework of the specific monitoring programme related to the recovery of Southern hake and Norway lobster in the Cantabrian Sea and Western Iberian Peninsula, adequate control measures should be agreed to reinforce control and to ensure, in particular, that quantities landed of both stocks are properly recorded and registered."

STATEMENT 145/05

Joint statement by the Council and the Commission

"The Council and the Commission agree to introduce in the effort management scheme for the recovery of hake in the Iberian peninsula, at the latest by December 2005, provisions to ensure that trawlers targeting Norway lobster will be subject to the same effort limitations as those applicable to vessels fishing for hake."

STATEMENT 146/05

Re. Article 17 – Council statement on line fishing for salmon in the Baltic Sea

"The Council invites the Commission to present, no later than July 2007, a scientific assessment of the measures established for line fishing for salmon in the Baltic Sea."

STATEMENT 147/05

Re. Article 30 – Council and Commission statement on the catching of herring for industrial purposes

"Recognising the importance of the herring fisheries in the Baltic Sea, the Council invites the Commission to follow the developments in these fisheries and to assess the impact of the amendments to Council Regulation (EC) No 1434/98, introduced by Article 30 of the present Regulation, on the herring stock and the fisheries, taking into account the restrictions on landings of unsorted catches provided for in Article 19."

STATEMENT 148/05

Re. Annex II, footnote 3 – Council and Commission statement on restrictions on the use of the beam trawl in the Baltic

"The Council and the Commission confirm that the restrictions on the use of the beam trawl in certain fisheries in the Baltic Sea as laid down in Annex II represent a continuation of legislation currently in force in some Member States in the area and are incorporated in Community legislation at the request of these Member States. These restrictions do not constitute a precedent for future legislation."

STATEMENT 149/05

Council and Commission statement on the management of the flounder and turbot fisheries in the Baltic Sea

"The Council and Commission recognise the need to ensure the sustainable exploitation of flounder and turbot stocks in the Baltic Sea in conformity with the objectives of the CFP. The Council therefore notes the Commission's intention to present in 2006 a proposal for management measures for the fisheries concerned. For 2006, the Council and the Commission agree to maintain closed periods for fisheries on flounder and turbot."

STATEMENT 150/05

Council and Commission statement on driftnets

"Recognising the need to have a clear definition of "driftnet", the Council invites the Commission to present in 2006 a proposal for a single definition of driftnet to be applied in Community legislation regulating driftnet fisheries. The Commission will respond in accordance with the rules of the Treaty, with due regard in particular to its right of initiative."

STATEMENT 151/05

Statement by Sweden

Explanation of vote, on the adoption of the proposal on fishing opportunities for 2006

"According to biological advice, the effort reductions proposed in Annex III are far from what is needed to achieve responsible management of stocks. Nor do they correspond to the 15% reduction in the TAC for cod in the North Sea. Sweden is therefore abstaining from the adoption of the proposal on TACs and quotas and other management measures for 2006."

STATEMENT 152/05

Statement by Greece

"Greece, with reference to the allocation of Community quotas and, more specifically to the Greek quota of bluefin tuna in the Atlantic Ocean, east of longitude 45D and the Mediterranean, as prescribed in Annex ID of the regulation (doc. 15489/05 of 10.12.2005), declares that it considers the quotas, as described in Council Regulation (EC) No 49/99, as no longer compatible with the new statistic data.

Greece expresses its discontent on the fact that, as regards the allocation of bluefin tuna for the year 2006, the Council has not taken into consideration the new data affecting directly the scientific reality regarding Greece, even though the quantity in question is extremely limited compared to the Community share. The fishing capacities of Greece, as regards this particular species, are compatible with the revised quantities of fisheries as included in the statistical lists of ICCAT from 1998 onwards.

Pursuant to the above, Greece maintains the opinion that, in full respect of the Commission's right of initiative, the above Regulation No 49/99 should be revised as soon as possible."

STATEMENT 153/05

Joint statement by the United Kingdom and Ireland 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."

STATEMENT 154/05

Statement by Belgium, Denmark, Germany and the Netherlands concerning the Hague preferences

"Belgium, Denmark, Germany 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."

STATEMENT 155/05

Statement by France concerning the implementation of the Hague preferences

"France is 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.

In a context where the resource is becoming rarer and is shrinking, the Hague preferences lead to unreasonable additional allocations to the detriment of the other Member States. France is opposed to the application of the Hague preferences, which runs counter to the principle of relative stability, as does the present Presidency compromise."

STATEMENT 156/05

Statement by Spain on the TACs and quotas for 2005

"The Spanish delegation states its disagreement with the distribution of EU TACs in the North Sea and the Baltic Sea areas. Spain maintains the appeals it has made to the Court of Justice of the European Communities against Regulations (EC) No 2341/2002 and No 2267/2003, under which Spain was granted no quotas in those fishing areas despite the transition period's having ended, and it will submit a further appeal."

STATEMENT 157/05

Statement by the Council and the Commission on blue whiting

"In the context of agreement on the allocation of fishing opportunities for blue whiting for 2006 the Council and the Commission noted the transfer of 3 000 tonnes each by Denmark and the United Kingdom and 994 tonnes by Sweden which were accepted by the Netherlands, Ireland and Germany as follows:

The Netherlands	–	2 333 tonnes
Ireland	–	2 333 tonnes
Germany	–	2 328 tonnes."

STATEMENT 158/05

Statement by the Commission on blue whiting

"The Commission stated its intention to consider, following consultations with the Member States concerned, presenting appropriate proposals for the management arrangements for the stock of blue whiting."

STATEMENT 159/05

Selective trawl in the Bay of Biscay

"The Commission shall seek advice from STECF on the likely impact on the hake stock of a selective trawl of mesh size range of 70 to 99 mm fitted with a 100 mm square mesh window in the Bay of Biscay before proposing its permanent introduction."

STATEMENT 160/05

Porbeagle I-XIV

"The Council and the Commission recognise the depleted state of the porbeagle (*Lamna nasus*) stock. The Council invites the Commission to come forward with a proposal in the first half of 2006 to regulate both directed fisheries exploiting this stock and by-catches of this stock in other fisheries as well as to seek multilateral management for this and other shark species in the framework of the relevant RFMOs.

For this purpose, the Commission may ask Member States for additional information relatively to the relevant fisheries and fishing fleets."

STATEMENT 161/05

Long-term management plan for herring in ICES Division VIa (North)

"The Council invites the Commission to come forward with a proposal as soon as possible in 2006 concerning a long-term management plan for the stock of herring in the northern part of ICES Division VIa.

Such a plan should contain, *inter alia*, a target fishing mortality on appropriate age-groups, an inter-annual variation in total allowable catch and relevant implementation and control provisions. This plan should be based on the scientific advice from ICES and take into account the view of the pelagic RAC. The Council agrees, subject to the opinion of the European Parliament, to the adoption of a long-term management plan including the aforementioned elements."

STATEMENT 162/05

Minimum landing sizes

"The Council and the Commission state that the minimum landing sizes for Norway lobster (*Nephrops norvegicus*), anglerfish (*Lophius spp.*), carpet shell/Manila clam (*Ruditapes philippinarium*) and buckies (*Buccinum undatum*) must be reviewed as part of the process of reviewing and amending, where necessary, Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms."

STATEMENT 163/05

Requests for derogations from the maximum numbers of days in Annexes IIA, IIB, IIC

"The Commission will examine expeditiously all requests for derogations from the maximum number of days set out in Annexes IIA, IIB and IIC, in particular,

- for gillnets and entangling nets of less than 110 mm and with track records representing less than 5% cod in all areas;
- for otter trawls using mesh sizes of 70 to 99 mm in the Eastern Channel and the North Sea;
- for vessels absent from port less than 24h and fishing with trammel nets of less than 110 mm in areas II, IV and VIIId,

with a view to their introduction as soon as possible in the course of 2006.

Such requests should be duly motivated by the Member States concerned. The STECF will be consulted on the implications of those requests for the recovery of the stocks concerned so that the Commission can decide if the derogations would be justified."

STATEMENT 164/05

Flexibility for the anglerfish TAC in Area VII

"With respect to the flexibility concerning the TAC of anglerfish in Area VII that may be caught in area VIIIabde, the Council and the Commission declare that such flexibilities are only appropriate where the quantities concerned are marginal, the catches are taken from the same biological stock unit as defined by STECF, the areas are adjacent, and the Member States concerned have reached agreement on the topic."

STATEMENT 165/05

Statement by the Commission on effort management in the Kattegat

"The Commission welcomes the proposals from the industry to manage fisheries in the Kattegat using effort limitations instead of catch limitations. The Commission will examine these proposals with a view to introducing such a scheme, as a pilot project, at the earliest opportunity in 2006."

STATEMENT 166/05

Statement by the Council on measures improving the enforcement of the rules of the CFP

"The Council recognises the risks that poor enforcement of management and conservation rules, especially those concerning the most sensitive stocks, poses for the sustainability of the fisheries sector.

For this reason the Council invites the Commission to present a proposal for harmonised measures in case of non-compliance with those rules and in particular with the conditions associated with effort limitation schemes, special fishing permits and recovery and management plans. These measures may include an adjustment of the fishing rights allocated to fishing vessels or fishermen on the basis of those conditions and the modification, suspension or withdrawal of special fishing permits. They will concern non-compliance with specific rules and will be effective, proportionate and dissuasive."

STATEMENT 167/05

Statement by the Council and the Commission on the regulation of deep-sea gillnet fisheries

"The Council and the Commission agree on the need to improve knowledge on the effects of fishing with gillnets, entangling nets and trammel nets in waters of depths greater than 200 metres, and agree that measures to regulate the fisheries should be considered in the light of scientific advice, taking into account the different types of gears involved. The Commission will request the STECF to review the available information on this topic so that appropriate measures can be proposed at the earliest opportunity."

STATEMENT 168/05

Statement by the Commission on the revision of the anglerfish TACs in zones IIa (EC waters), IV (EC waters) and Vb (EC waters), VI, XII, XIV

"If, following the analysis referred to in Article 5(6), the STECF recommends a revision to the catch limits referred to in that Article, the Commission will propose a revision of those catch limits for adoption at the earliest opportunity."

STATEMENT 169/05

Statement by the Council concerning fishing effort on deep-sea stocks

"The Council agrees that the current level of fishing effort on deep-sea stocks is too high and invites the Commission to propose in the course of 2006 a further reduction in line with the Community's international commitments, and to propose a multiannual strategy to progressively reduce effort to a sustainable level. The rate at which fishing effort is reduced should take into account the risks of stock depletion indicated by scientific advice."

STATEMENT 170/05

Statement by France on the minimum size for bluefin tuna in the East Atlantic and Mediterranean

"France considers that the difference in minimum size between the Atlantic and the Mediterranean for East Atlantic/Mediterranean bluefin tuna (*thunnus thynnus*) is inconsistent with the management rules applied for this single stock and with scientific advice. This difference creates unjustified discrimination between Community fishermen and leads to major problems of implementation, since it authorises the coexistence of two sizes for a single species on the same market. France is opposed to the establishment of two different minimum sizes for bluefin tuna in the East Atlantic and in the Mediterranean, which is contrary to biological advice concerning this stock, as is the present Presidency compromise."

STATEMENT 171/05

Statement by France on the implementation of Danish preferences

"France considers that the application of the "Danish preferences" mechanism harms fishermen from the other Member States. This mechanism to compensate for reductions in fishing opportunities for mackerel for Denmark has led to a disproportionate reduction for French fishermen, in a context where the resource is becoming rarer and is shrinking. France is opposed to the application of the Danish preferences, which runs counter to the principle of relative stability, as does the present Presidency compromise."

STATEMENT 172/05

Statement by France on the absence of a full allocation for haddock and whiting

"France considers that the existence of a quota for industrial fishing, not divided between the Member States, alongside the allocation of TACs between the Member States, is contrary to the principle of relative stability and creates an unfair situation between the different Member States, without sufficient justification. France is opposed to this exemption for industrial fishing, which runs counter to the principle of relative stability, as does the present Presidency compromise."

STATEMENT 173/05

Statement by the Council on the future development of fishing opportunities in accordance with the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg, 2002)

"The Council invites the Commission to present a communication to the Council and the European Parliament on the implementation of the World Summit on Sustainable Development (Johannesburg, 2002), in particular on paragraph 31 of the implementation plan."

STATEMENT 174/05

Statement by the Council on the gradual approach to sustainability

"The Council reaffirms its commitment to managing fisheries according to achieving sustainable exploitation of marine living resources as a prerequisite to achieving sustainable economic, environmental and social conditions.

Subsequent to the adjustments in annual fishing opportunities made for 2006, the Council affirms its commitment to further annual adjustments in the direction indicated by scientific advice in order to bring all stocks in which the Community has a fishing interest to within safe biological limits in respect of spawning stock biomass and in respect of fishing mortality rate".

STATEMENT 175/05

Statement by the Council on the application of harmonised conditions for special permits

"The Council takes note, with grave concern, of the reported high levels of illegal, unreported and unregulated fishing on stocks in which the Community has an interest. The Council invites the Commission to present a proposal for harmonised conditions for issuing, suspending or withdrawing special permits in the event of non-compliance with the terms of the special permits that will be proportionate and sufficiently dissuasive.

The Council considers that harmonised special permit conditions should be adopted as early as possible in 2006, subject to the availability of the European Parliament's opinion on the proposals."

STATEMENT 176/05

Statement by Belgium, Denmark, Germany, Estonia, Spain, France, Lithuania, the Netherlands, Portugal, Sweden and the United Kingdom on the simplification of the declaration obligations on the masters of vessels subject to measures for the rebuilding of cod and sole stocks

"The abovementioned delegations ask the Commission to propose to the Council a simplification of the declaration obligations on the masters of vessels subject to measures for the rebuilding of cod and sole stocks, in particular the obligation to submit a record of fishing effort on each entry into and each exit from a recovery area on the part of vessels equipped with satellite-based monitoring systems."

STATEMENT 177/05

Statement by the Swedish delegation

Explanation of vote by Sweden

Fishing opportunities in the Baltic Sea for 2006

"The situation of cod stocks in the Baltic Sea must be taken seriously, and sustainable fisheries management must be achieved. ICES has recommended a TAC for the eastern cod stock of 14 900 tonnes. Sweden has advocated an integrated approach to fisheries management using more of the tools available to us, such as TACs, reduced fishing effort and effective controls.

The decision does not lead to sustainable management. Sweden has therefore decided to vote against. The TAC for the eastern cod stock has been set at too high a level. The limitation of fishing effort to apply in 2006 does not entail any reduction compared with this year. In fact the decision which has just been made will mean an increase in both exploitation and fishing effort.

Since the closures, other than those during the spawning season, are not common to all the Member States, the closed days may be planned in periods with traditionally low catches. As there will always be vessels permitted to fish in the area, the possibility of effective control will be reduced. Furthermore, the decision will entail major difficulties in clearing traditional fishing areas of so-called ghost nets."

STATEMENT 178/05

Statement by the Commission

"The Commission will keep under constant review the measures laid down in the new Directive on Community measures for the control of avian influenza, which has been supported by the Council today, and in particular those measures concerning low pathogenic avian influenza.

If appropriate, the Commission will propose the necessary amendments to the newly established measures, in the light of the experience that will be gained on disease control following the implementation of the Directive, of the further scientific knowledge that will become available on this complex disease, and of future international developments and OIE standards."

DECEMBER 2005	
OTHER ACTS	Votes made public
Written procedure completed on 1 December 2005 Council Joint Action amending Joint Action 2005/355/CFSP on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC) with regard to setting up a technical assistance project on improving the chain of payments of the Ministry of Defence in the DRC 13953/05 2695th Council meeting (Transport, Telecommunications, Energy) on 1 and 5 December 2005 Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Central Bank and Financial Services Authority of Ireland 14239/05 Common Position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council laying down guidelines for trans-European energy networks and repealing Decisions Nos 96/391/EC and 1229/2003/EC 10720/05 + COR 1 (fr) + COR 2 (es) + COR 3 (fi) + COR 4 (pl) + COR 5 (lt) + ADD 1, 13336/05 + ADD 1 2696th Council meeting (Justice and Home Affairs) on 1 and 2 December 2005 Draft action plan on trafficking in human beings 12402/3/05 REV 3	

DECEMBER 2005	
OTHER ACTS	Votes made public
2697th Council meeting (Environment) on 2 December 2005	
Council Decision concerning the effects of the accession of the Czech Republic and the Republic of Poland to the European Union on the participation of the European Community in the Convention on the International Commission for the Protection of the Oder and the Convention on the International Commission for the Protection of the Elbe 13673/05 Council Decision on the signing on behalf of the European Community of the Protocol on Soil Protection, the Protocol on Energy and the Protocol on Tourism to the Alpine Convention 14218/05 + REV 1 (pt) + REV 1 COR 1 (pt) Council Decision on the conclusion, on behalf of the European Community, of the UN-ECE Protocol on Pollutant Release and Transfer Registers 10799/2/05 REV 2 + REV 2 COR 1 (de), 14492/05 + ADD 1 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of granular polytetrafluoroethylene (PTFE) originating in Russia and the People's Republic of China 14375/05	EE/FI/ES/UK against DK/CZ abstention
2698th Council meeting (Economic and Financial Affairs) on 6 December 2005	
Council Decision on the conclusion of an Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area and four related agreements 11902/1/03 REV 1	

DECEMBER 2005	
OTHER ACTS	Votes made public
Council Decision on the conclusion by the European Community of the Energy Community Treaty 13886/1/05 REV 1 2699th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 8 and 9 December 2005 Council Decision on the approval on behalf of the European Community of the Agreement on the International Dolphin Conservation Programme 14204/05 + COR 1 (fi) + COR 2 + REV 1 (es) Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out, for the period from 18 January2005 to 17 January2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles 13538/05 + REV 1 (lv) 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 addition of vitamins and minerals and of certain other substances to foods 9857/05 + REV 1 (lt) + REV 2 (et) + COR 1 (es) + COR 2 (el) + COR 3 (pl) + COR 4 (de) + ADD 1 + ADD 1 COR 1, 14793/05 + ADD 1 Common Position adopted by the Council on 8 December 2005 with a view to the adoption of a Regulation of the European Parliament and of the Council on nutrition and health claims made on foods 9858/05 + COR 1 (el) + COR 2 (el) + COR 3 (de) + REV 1 (hu) + REV 2 (da) + ADD 1 + ADD 1 COR 1 (en), 14795/05 + ADD 1	DK against

DECEMBER 2005	
OTHER ACTS	Votes made public
2700th Council meeting (General Affairs and External Relations) on 12 December 2005 Council Common Position concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri 14485/05 Council Joint Action on support for OPCW activities in the framework of the implementation of the EU strategy against proliferation of weapons of mass destruction 13781/05 Council Decision implementing Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova 15061/05 Council Decision determining the order in which the office of President of the Council shall be held 15256/05, 15377/05 + ADD 1 + ADD 2 Council Decision on the appointment of the Special Coordinator of the Stability Pact for South-Eastern Europe 14952/05 • Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 13185/05 • Council Regulation concerning the implementation of the Agreement in the form of Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XVIII of the General Agreement on Tariffs and Trade (GATT) 1994 14685/05	

DECEMBER 2005	
OTHER ACTS	Votes made public
2702nd Council meeting (Agriculture and Fisheries) on 20, 21 and 22 December 2005 Council Decision on the conclusion of an agreement in the form of an exchange of letters between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994 15215/05, 15726/05 Council Decision concerning the approval of the accession of the European Atomic Energy Community to a Framework Agreement for International Collaboration on Research and Development of Generation IV Nuclear Energy Systems 14929/05 Council Regulation amending Regulation (EC) No 1480/2003 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain electronic microcircuits known as DRAMs (Dynamic Random Access Memories) originating in the Republic of Korea 15026/05 Council Decision on the signing and the provisional application of the Agreement in the form of an exchange of letters between the European Community and the Republic of Belarus amending the Agreement between the European Union and the Republic of Belarus on trade in textile products 15236/05 Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Hashemite Kingdom of Jordan concerning reciprocal liberalisation measures and amending the EC-Jordan Association Agreement as well as replacing Annexes I, II, III and IV and Protocols 1 and 2 to that Agreement 14972/05 + COR 1 (en), 15320/05 Council Decision amending Decision 2001/264/EC adopting the Council's security regulations 13627/05 + REV 1 (sv)	EL/IT/PT abstention NL,/E against FI/LT/UK abstention

DECEMBER 2005	
OTHER ACTS	Votes made public
Council Decision on an amendment to the Agreement establishing the European Bank for Reconstruction and Development (EBRD), enabling the Bank to finance operations in Mongolia 14789/05 Council Decision concluding the Additional Protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 12075/05 + ADD 1 (en) Council Decision on the conclusion of Agreements in the form of Exchanges of Letters between the European Community and the Republic of Bulgaria and Romania, respectively, on reciprocal preferential trade concessions for certain wines, and amending Regulation (EC) No 933/95 16330/1/04 REV 1 Council Regulation amending Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community 15357/05 + COR 1 (en) + COR 2 (fr) Council Regulation amending Regulation (EC) No 1467/2004 imposing definitive anti-dumping duties on imports of polyethylene terephthalate ("PET") originating, inter alia, in the People's Republic of China 15875/05 + REV 1 (lt) Council Decision on the conclusion, on behalf of the European Community, of the Agreement on Duty-Free Treatment of Multi-Chip Integrated Circuits (MCPs) 13973/05 + COR 1 (sl)	

DECEMBER 2005	
OTHER ACTS	Votes made public
• Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Japan pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 13190/05 + COR 1 + COR 2 (pt) + REV 1 (cs) • Council Regulation concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Japan pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 15190/05 • Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union 15709/05 + COR 1 + REV 1 (pl) • Council Regulation concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff 15710/05	

DECEMBER 2005	
OTHER ACTS	Votes made public
Council Decision implementing Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) 15803/05 • Council Common Position updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2005/847/CFSP 15756/05 • Council Decision implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/848/EC 15750/05	

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