



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 January 2004 (14.01)
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PUBLIC 11

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
NOVEMBER 2003

This document gives:

- in **Annex I**, a summary of legislative acts finally adopted by the Council in November 2003. This is accompanied by any statements for the minutes which may be released to the public (**Annex II**). The list also shows any opposing votes and abstentions, voting explanations and voting rules applicable.
- in **Annex III**, a list of other acts ¹ adopted by the Council in November 2003, showing any relevant voting results, voting explanations and statements which the Council has decided to make public.

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

It should be noted that only the minutes concerning the final adoption of legislative acts are authoritative. Extracts from the minutes in question may be obtained from the transparency section ("transparency@consilium.eu.int").

¹ Except for some acts of limited interest, such as procedural decisions, appointments, decisions of bodies set up by international agreements or minor budgetary decisions, etc.

NOVEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2537th Council meeting (Economic and Financial Affairs) on 4 November 2003 Council Regulation on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EEC) No 2847/93 and repealing Regulations (EC) No 685/95 and 2027/95 Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community to adapt the list of survey characteristics Directive of the European Parliament and of the Council relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Council Directive 70/156/EEC	13679/03 + COR 1 (en) + COR 2 (es) PE-CONS 3672/03 PE-CONS 3660/03 + COR 1	205/03, 206/03, 207/03, 208/03, 209/03, 210/03, 211/03, 212/03, 213/03	IRL, E against B abstention Qualified majority Qualified majority Qualified majority

NOVEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2538th Council meeting (Justice and Home Affairs) on 6 November 2003			
Directive of the European Parliament and of the Council amending Directive 2001/25/EC on the minimum level of training of seafarers	PE-CONS 3668/03 + COR 1 (fi)		Qualified majority
Regulation of the European Parliament and of the Council concerning monitoring of forests and environmental interactions in the Community (Forest Focus)	PE-CONS 3681/03	214/03, 215/03, 216/03	S against Qualified majority
2542nd Council meeting (Agriculture and Fisheries) on 17 November 2003			
Council Regulation amending Regulation (EEC) No 1907/90 on certain marketing standards for eggs	14070/03 + COR 1 (fi)	217/03	UK abstention Qualified majority
Council Regulation amending Regulation No 79/65/EEC setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community	13858/03		Qualified majority

NOVEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council amending Council Directive 96/16/EC on statistical surveys of milk and milk products	PE-CONS 3663/03		Qualified majority
Regulation of the European Parliament and of the Council on the Economic Accounts for Agriculture in the Community	PE-CONS 3664/03 + COR 1 (fr, en sv) + COR 2		Qualified majority
Regulation of the European Parliament and of the Council on the production of annual Community statistics on the steel industry for the reference years 2003-2009	PE-CONS 3667/03 + COR 1 (de)		Qualified majority
2545th Council meeting (Education/Youth/Culture) on 24 and 25 November 2003			
Decision of the European Parliament and of the Council establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004-2008)	15138/03 PE-CONS 3682/03	218/03	Qualified majority

NOVEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Decision of the European Parliament and of the Council adopting a multiannual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in education and training systems in Europe (eLearning Programme)	15139/03 PE-CONS 3683/03	219/03	Qualified majority
Directive of the European Parliament and of the Council amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)	PE-CONS 3671/03 + COR 1 (de) + COR 2 (pt)		Qualified majority
2546th Council meeting (Economic and Financial Affairs) on 25 November 2003			
Council Decision amending Decision 97/510/EC authorising Ireland to apply a measure derogating from Article 21 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes	14093/03 + COR 1 (fi)		Unanimity
Council Directive concerning the status of third-country nationals who are long-term residents	10501/1/03 REV 1	220/03, 221/03	Unanimity

NOVEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Directive on assistance in cases of transit for the purposes of removal by air	10503/03 + REV 1 (el) + REV 1 COR 1 (el)		Unanimity
2548th Council meeting (Justice and Home Affairs) on 27 and 28 November 2003			
Council Decision concerning control measures and criminal sanctions in respect of the new synthetic drugs 2C-I, 2C-T-2, 2C-T-7 and TMA-2	13545/03		Unanimity

NOVEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000	12513/1/03 REV 1 + COR 1 (en) + COR 2 (de) + COR 3 + COR 4 (nl) + COR 5 (en) + COR 6 (nl) + COR 7 (en, fr, de, it, da, es, pt, fi) + COR 8 (fi) + COR 9 (it) + COR 10 (it) + ADD 1 + REV 2 (el) + REV 2 COR 1 (el) + REV 2 ADD 1 (el) + REV 3 (sv) + REV 3 COR 1 (sv)		Unanimity

STATEMENT 205/03

Commission statement re Article 1

"In order to ensure that the fishing effort related to fisheries for scallops, edible crab and spider crab in ICES divisions VIId and VIIe is managed appropriately, the Commission will propose a management plan for these stocks in accordance with Article 6 of Council Regulation (EC) No 2371/2002.

In order to ensure interim implementation of the above plan as of 1 January 2004, the Commission will include provisions on fishing effort limitations for these stocks in the TAC and quota proposal for 2004."

STATEMENT 206/03

Statement by the Council and the Commission re Article 3

"Where the provisions of Article 3 permit access by certain fishing vessels to waters from which they were previously excluded, the Commission and the Member States concerned shall carefully monitor fishing activities in the area concerned in order to ensure that such activities are consistent with the measures already in place for the conservation of fishing resources."

STATEMENT 207/03

Commission statement re Article 3

"The demersal fisheries referred to in Articles 3 and 6 include bottom trawl fisheries for Norway lobster and shrimp."

STATEMENT 208/03

Commission statement re Article 5

"To complement the limitations on access laid down in paragraph 1 of Article 5 and to avoid damage to the sensitive eco-systems on seamounts occurring in waters at least up to 200 miles surrounding the Azores, Madeira and the Canary Islands, the Commission intends shortly to propose to the Council an amendment of Council Regulation (EC) No 850/98 under which fishing with trawl gears in the aforementioned waters surrounding the Azores, Madeira and the Canary Islands would be prohibited."

STATEMENT 209/03

Statement by the Council and the Commission re Article 5

"The provisions concerning outermost regions in this Regulation do not prejudice the measures to be adopted at a later stage in respect of the French Overseas Departments. The Commission intends to present a proposal on this issue during 2004."

STATEMENT 210/03

Commission statement re Article 5

"When implementing the rules for the provisions of paragraph 1 of Article 5, the Commission will include, as part of the Community vessels having traditionally fished in outermost regions, those vessels operating under existing agreements between Member States."

STATEMENT 211/03

Commission statement re Article 11

"When drawing up its proposal referred to in paragraph 1 of Article 11, the Commission will ensure that all the Member States concerned are fully informed and consulted on the maximum levels of fishing effort proposed for other Member States."

STATEMENT 212/03

Commission statement re Article 12

"In cases where the Commission is requested to permit an increase of the maximum fishing effort for a Member State in a particular area or division in order to allow the Member State to fish for non-regulated species, it has to be demonstrated that this will not lead to an increased bycatch of regulated species for which Member States no longer have quotas, if the Commission is to accept such a request."

STATEMENT 213/03

Statement by the Spanish delegation

"With regard to the adoption by the Council of the Regulation on the fishing effort relating to Western Waters, the Spanish delegation would make the following statement:

1. Spain repeats that, as confirmed by the Legal Service of the Council of the European Union, the rules included in Regulations No 685/95 and No 2027/95 concerning the adaptation of the rules governing the transitional period prior to Spain's full integration into the Common Fisheries Policy ceased to be effective from 1 January 2003. This fact is not nullified by the specific date of repeal set for those Regulations in Article 15(1) of the Council Regulation on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EEC) No 2847/93.
2. Spain considers that the reference period 1998-2002 given in Articles 3 and 6 of the Regulation for assessing the levels of fishing effort exerted by the different fishing fleets and thereby determining the ceiling for the fishing effort which may be exerted by each Member State in future is a period during which discriminatory effort restrictions were applied to the Spanish fleet as a result of its transitional arrangements.
3. Spain considers that the specific measures adopted for the area defined in Article 6 of the Regulation are inappropriate from a technical viewpoint and are not justified because they entail different treatment for certain Member States for reasons that are not objective and which may constitute discrimination on grounds of nationality.
4. Spain reserves the right of recourse to the Court of Justice to defend its rights."

STATEMENT 214/03

Commission statement

"The Commission takes note of the agreement reached by the European Parliament and the Council in second reading on the proposal for a Regulation concerning monitoring of forests and environmental interactions in the Community (Forest Focus).

The Commission must, however, recall the terms of the statement it made at the time of the adoption of the common position, as follows:

The Commission takes note that the Regulation of the European Parliament and the Council provides for a regulatory procedure regarding the implementation measures detailed in the proposal, as opposed to the management procedure proposed by the Commission.

In the light of the judgement of the Court of Justice of 21st January 2003 in respect of Regulation (EC) 1655/2000 concerning the financial instrument for the Environment (LIFE), the Commission insists on the importance of applying the criteria of Article 2 of Council Decision 468/99/EC of 28 June 1999, laying down the procedures for the exercise of implementing powers conferred on the Commission.

The Commission believes that as the measures detailed in the proposal relate to the implementation of programmes with substantial budgetary implications they should be adopted by use of the management procedure. The measures are quite specific to the programme, therefore they are not general in scope, nor are they designed to apply, adapt or update the provisions of the instrument. For these reasons, the Commission does not consider the Regulatory procedure to be appropriate.

In accordance with the Judgement of the Court of Justice mentioned above, any choice of procedure which does not comply with the criteria for guidance contained in Article 2 of the Council Decision on the exercise of implementing powers conferred on the Commission must be clearly explained.

The Commission considers that in this case the text of the recital specifying the use of the comitology procedure does not sufficiently justify departing from the criteria contained in the Council Decision.

The Commission therefore reserves its right to make use of the legal means at its disposal."

STATEMENT 215/03

Statement by the Finnish and Belgian delegations

"Finland and Belgium recall that the objective of the Forest Focus Regulation is to monitor forests and their environmental interactions. Forest fire prevention measures are eligible for support under Regulation (EC) No 1257/99.

The Finnish and Belgian position is that forest fire prevention measures should only be financed through one instrument. Therefore, Finland and Belgium believe that after 31 December 2006 forest fire prevention measures should not be financed under the Forest Focus Regulation but rather, for example, through Regulation (EC) No 1257/99."

STATEMENT 216/03

Statement by the Swedish delegation

"Sweden is a country with an important forestry sector. As clarified in a declaration at the adoption of the common position, Sweden has major problems in principle with the proposed regulation. In a spirit of compromise, Sweden decided however to vote for the common position. Regretfully, negotiations with the European Parliament have resulted in a compromise, which goes even further in the wrong direction. As it now stands, the proposal does not, in Sweden's view, sufficiently fulfil the initial intentions to divide monitoring and preventive measures. Specifically regarding forest fire prevention measures, Sweden is not opposed to Community measures, but finds the existing Regulation (EC) 1257/99 the adequate legal act to be applied. For these reasons Sweden votes against the compromise with the European Parliament."

STATEMENT 217/03

Statement by the United Kingdom delegation

"The United Kingdom has not felt able to support the proposal to require all eggs at local public markets to be marked. The Commission has produced no evidence demonstrating that there is actually a food safety or enforcement problem that needs to be addressed. The proposal is therefore likely to lead to unnecessary additional burdens on small-scale producers. A facultative provision, allowing those Member states which do have concerns about local markets to take necessary action, would have been more appropriate."

STATEMENT 218/03

Council statement

"Referring to the joint statement made by the Council and Parliament (Ecofin 16 July 2003, doc. 11183/03) concerning the adjustment after the Enlargement of the reference amounts in legal bases agreed upon jointly with the Parliament, the Council hereby states that for the Erasmus Mundus and eLearning programmes the conditions of this joint statement have been fulfilled."

STATEMENT 219/03

Council statement

"Referring to the joint statement made by the Council and Parliament (Ecofin 16 July 2003, doc. 11183/03) concerning the adjustment after the Enlargement of the reference amounts in legal bases agreed upon jointly with the Parliament, the Council hereby states that for the Erasmus Mundus and eLearning programmes the conditions of this joint statement have been fulfilled."

STATEMENT 220/03

Council statement

Re Article 3

"The Council welcomes the commitment of the Commission to table within one year and possibly by the end of 2003 a proposal for the extension of long-term resident status to refugees and persons under subsidiary protection, taking into account the study on transfer protection status."

STATEMENT 221/03

Council statement

Re Article 6

"The notion of public policy and public security covers also cases in which a third-country national belongs to an association which supports terrorism, supports such an association or has extremist aspirations."

NOVEMBER 2003	
OTHER ACTS	Votes made public
2537th Council meeting (Economic and Financial Affairs) on 4 November 2003 Common position adopted by the Council with a view to the adoption of the Regulation of the European Parliament and of the Council on detergents 10593/03 + COR 1 (en, pt) + COR 2 (fi) + COR 3 (en, fr, de, it, es, pt, sv) + REV 1 (da) + REV 1 COR 1 (da) + REV 1 COR 2 (da) + REV 1 COR 3 (da) + REV 2 (el) + REV 2 COR 1 (el) + ADD 1 Common position adopted by the Council with a view to the adoption of the Regulation of the European Parliament and of the Council amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the Community code relating to medicinal products for human use 12754/03 + ADD 1 2539th Council meeting (Internal Market, Industry, Research) on 10 November 2003 Council Regulation amending Regulation (EC) No 427/2003 on a transitional product-specific safeguard mechanism for imports originating in the People's Republic of China 13604/03 Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks as regards the external auditors of the Banque central du Luxembourg 13837/03 Council Resolution on the Communication from the European Commission: Enhancing the Implementation of the New Approach Directives 14289/03 Council Resolution on the profession and the career of researchers within the European Research Area (ERA) 14636/03	

NOVEMBER 2003	
OTHER ACTS	Votes made public
2540th Council meeting (General Affairs and External Relations) on 17 November 2003 Council Decision extending and amending Decision 1999/730/CFSP implementing Joint Action 1999/34/CFSP with a view to a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia 14039/03 Council Decision extending and amending Decision 2002/842/CFSP concerning the implementation of Joint Action 2002/589/CFSP with a view to a European Union contribution to combating the destabilising accumulation and spread of small arms and light weapons in South East Europe 14043/03 Third Annual Report on the implementation of the EU Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (2002/589/CFSP) and repealing Joint Action 1999/34/CFSP, and the EU Programme on Illicit Trafficking in Conventional Arms of June 1997 13657/03 Adoption by the Council of updated version of EU Common Military List 14460/1/03 REV 1 + REV 1 COR 1 Council Common Position on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery 14310/03 Council Resolution on the use by Member States of bans on access to venues of football matches with an international dimension 13917/03 + COR 1 (en)	

NOVEMBER 2003	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of the Agreement on the application of certain Community acts on the territory of the Principality of Monaco 9874/03 + COR 1 (da,de,el,en,fr,it,sv) + COR 2 (pt) + COR 3 (nl) Council Decision creating a team to prepare for the establishment of the agency in the field of defence capabilities development, research, acquisition and armaments 14847/03 2542nd Council meeting (Agriculture and Fisheries) on 17 November 2003 Council Decision on the accession of the European Community to the Codex Alimentarius Commission 13089/03 + COR 1 (es), 13073/03 + ADD 1 + ADD 2 Council Decision relating to the conclusion on behalf of the European Community of Council of Europe Convention No 180 on information and legal cooperation on information society services 13912/03, 11277/03 + ADD 1 2544th Council meeting (Economic and Financial Affairs) (Budget) on 24 November 2003 Council Decision on the conclusion of bilateral Agreements between the European Community and the Republic of Cyprus and the Government of the Republic of Hungary laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services 11722/03 + COR 1 Council Decision concluding the consultation procedure opened with the Central African Republic and adopting appropriate measures under Article 96 of the Cotonou Agreement 14559/03	

NOVEMBER 2003	
OTHER ACTS	Votes made public
Council Regulation terminating the partial interim review of the anti-dumping measures applicable to imports of fluorspar originating in the People's Republic of China 14158/03 Written procedure concluded on 25 November 2003 Council Decision establishing a Community position on the application by Lithuania to accede to the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries 15150/03 Annex 2545th Council meeting (Education/Youth/Culture) on 24 and 25 November 2003 Resolution on cooperation between cultural institutions in the field of museums 14035/03 + COR 1 (en, da, nl) Resolution on the deposit of cinematographic works in the European Union 13986/03 + COR 1 (es) Resolution on making school an open learning environment to prevent and combat early school leaving and disaffection among young people and to encourage their social inclusion 13985/03 Conclusions on "Development of human capital for social cohesion and competitiveness in the knowledge society" 14354/03 + COR 1 + COR 2 (de) Resolution on common objectives for participation by and information for young people 14353/03	

NOVEMBER 2003	
OTHER ACTS	Votes made public
2546th Council meeting (Economic and Financial Affairs) on 25 November 2003 Council Decision amending Decision 2002/882/EC providing further macro-economical assistance to the Federal Republic of Yugoslavia with regard to additional macro-financial assistance to Serbia and Montenegro 14202/03 Council Decision on the signing of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation 10642/03 + COR 1 (fi) + COR 2 + ADD 1 (fr) 2547th Council meeting (Competitiveness) (Internal Market, Industry, Research) on 26 and 27 November 2003 Council Conclusions on "the Contribution of industrial policy to European Competitiveness" and Resolution on "equal access to and participation of women and men in the knowledge society for growth and innovation" 15472/03 Annexes 2548th Council meeting (Justice and Home Affairs) on 27 and 28 November 2003 • Council Decision on the repeal of the Financial Regulation governing the budgetary aspects of the management by the Secretary-General of the Council of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II 12138/03 • Council Decision on the repeal of the decision authorising the Secretary-General of the Council in the context of the integration of the Schengen acquis into the framework of the European Union to act as representative of certain Member States for the purposes of concluding contracts relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II and to manage such contracts 12137/03	

NOVEMBER 2003	
OTHER ACTS	Votes made public
Council Act drawing up, on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention), a Protocol amending that Convention 13650/03 + COR 1 (fi), 13649/03 + COR 1 (en) + ADD 1 Council Decision authorising the Member States which are Contracting Parties to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to sign, in the interest of the European Community, the Protocol amending that Convention 14303/03 + COR 1 (en) Council Decision authorising the Member States which are Contracting Parties to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to ratify, in the interest of the European Community, the Protocol amending that Convention, or to accede to it 14305/03 + COR 1 (en) + COR 3 (es) Council Regulation amending Regulation (EC) No 1080/2000 on support for the United Nations Interim Mission in Kosovo (UNMIK) and the Office of the High Representative in Bosnia and Herzegovina (OHR) 12894/03 Council Decision on the signing, on behalf of the Community, and provisional application of the Agreement in the form of an Exchange of Letters extending for the period from 1 July 2003 to 30 June 2004 the validity of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire 13950/03	