



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 27 January 2005 (04.02)
(OR. fr)**

16382/04

PUBLIC 10

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
NOVEMBER 2004

This document contains :

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in November 2004. 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 acts ¹ adopted by the Council in November 2004, 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 "Transparency", 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.

NOVEMBER 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2614th Council meeting (General Affairs and External Relations) on 2 November 2004 Council Decision authorising Austria 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	12671/3/04 REV 3 + REV 4 (lt)		Unanimity
2616th Council meeting (Education, Youth and Culture) on 15 and 16 November 2004 Directive of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	PE-CONS 3678/04 + REV 1 (pt) + REV 2 (fi) + COR 1 (de) + COR 2 (nl) + REV 3 (pl)		Qualified majority

NOVEMBER 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2617th Council meeting (Economic and Financial Affairs) on 16 November 2004			
Regulation and Directive			
Council Regulation on administrative cooperation in the field of excise duties	12863/04 + COR 1 (en) + COR 2 (de) + COR 3 (de) + REV 1 (hu) + REV 2 (fi) + REV 3 (pl) + REV 4 (sl)	170/04, 171/04, 172/04, 173/04, 174/04, 175/04	Unanimity
Council Directive amending Directives 77/799/EEC concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation, certain excise duties and taxation of insurance premiums and 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products	12878/04 + REV 1 (hu) + REV 2 (sl)		Unanimity

NOVEMBER 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2618th Council meeting (Justice and Home Affairs) on 19 November 2004 Council Decision authorising Germany to apply a measure derogating from Article 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	14274/04 + COR 1 (de)		Unanimity
2619th Council meeting (Agriculture and Fisheries) on 22 and 23 November 2004 Council Regulation amending Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries and Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market	13624/04		DE, EL, IT, SE abstentions DK against Qualified majority

NOVEMBER 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2625th Council meeting (Transport, Telecommunications and Energy) on 29 November 2004 Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC	PE-CONS 3684/04 + COR 1 (fr) + REV 1 (pl) + REV 2 (lt) + REV 3 (hu)		Qualified majority

STATEMENT 170/04

Statements concerning the Council Regulation on administrative cooperation in the field of excise duties

Re: Regulation

"The Commission notes the unanimous adoption by the Council of a text on administrative cooperation based on Article 93 of the Treaty. It reaffirms its position, in accordance with its original proposal, that the legal basis for the text should be Article 95 of the Treaty. The Commission recalls that the principle objective of this Regulation is not the harmonisation of fiscal provisions, but to provide for the exchange of information between Member States."

STATEMENT 171/04

Re: Article 13(4)

"The Commission believes that the information provided to the other Member States should also be made available to it on the same terms, so as to enable it to fully play its coordinating role, especially in combating fraud ."

STATEMENT 172/04

Re: Article 22(2)

"The Commission confirms that the combined nomenclature relating to excisable products may contain between 4 and 8 figures, depending on the provisions contained in the directives in force applicable to excisable products."

STATEMENT 173/04

Re: Article 24

"The Council declares that the conditions governing the exchange of information set out in Chapter VII, and in particular the qualifications under Article 30 to the obligation to provide information, apply to requests for information under Article 24."

STATEMENT 174/04

Re: Article 24(3)

"The Council and the Commission agree that the results of the request as transmitted by the requested Member State must be taken into consideration by the requesting Member State."

STATEMENT 175/04

Re: Article 35(1)

"The Commission considers that, given the Member States' reluctance to forward information relating to the application of this Regulation to it automatically, it cannot guarantee the presentation of a comprehensive report."

NOVEMBER 2004	
OTHER ACTS	Votes made public
2614th Council meeting (General Affairs and External Relations) on 2 November 2004	
Council Decision establishing the European Union Civil Service Tribunal 12394/1/04 REV 1 + REV 1 COR 1 (fi) + REV 1 COR 2 (de), 12707/04 Decision of the European Council amending Common Strategy 2000/458/CFSP on the Mediterranean region in order to extend the period of its application 13648/04 + REV 1 (en) Council Common Position concerning the temporary reception by Member States of the European Union of certain Palestinians 13796/04 Fourth 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 Program on Illicit Trafficking in Conventional Arms of June 1997 14073/04 Council Decision concerning the signature of the Agreement between the European Community and the Principality of Andorra providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments and the approval and signature of the accompanying Memorandum of Understanding 12636/04 + REV 1 (fr) + COR 1 (de) Council Regulation terminating the "new exporter" review of Regulation (EC) No 2605/2000 imposing definitive anti-dumping duties on imports of certain electronic weighing scales (REWS) originating, inter alia, in Taiwan 12706/04 + COR 1 + COR 2 + COR 3 + COR 4	

NOVEMBER 2004	
OTHER ACTS	Votes made public
Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of okoumé plywood originating in the People's Republic of China 13557/04 Written procedure completed on 12 November 2004 Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on conditions for access to the gas transmission networks 11652/04 + COR 1 (de) + COR 2 (en) + REV 1 (pt) + ADD 1 + ADD 1 COR 1 + ADD 1 COR 2, 14120/04 2616th Council meeting (Education, Youth and Culture) on 15 and 16 November 2004 Council Regulation on the import of certain steel products originating in the Russian Federation 13397/04 Council Decision concluding the consultation procedure with the Togolese Republic under Article 96 of the Cotonou Agreement 12744/04 + COR 1 Council Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No1676/2001 on imports of polyethylene terephthalate (PET) film originating, inter alia, in India to imports of polyethylene terephthalate (PET) film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not 13914/04 + COR 1	

NOVEMBER 2004	
OTHER ACTS	Votes made public
Council Regulation extending the definitive countervailing duty imposed by Council Regulation (EC) No 2597/1999 on imports of polyethylene terephthalate (PET) film originating in India to imports of polyethylene terephthalate (PET) film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not 13921/04 Council Decision 2004/ /CFSP 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) 13783/04 + REV 1 (el) + REV 2 (de) + REV 3 (hu) + REV 4 (sk) + REV 6 (fi) Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 12062/04 + COR 1 (de) + COR 2 (pt) + COR 3 (de) + COR 4 (en) + REV 1 (el) + REV 2 (lv) + ADD 1 + ADD 1 COR 1 + ADD 1 COR 2 (es), 13940/04 + COR 1 (es) + ADD1 + ADD 1 COR 1 (es) + ADD 1 REV 1 (pt) + ADD 1 REV 1 COR 1 (pt) Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No.../2004 of the European Parliament and of the Council ("Unfair Commercial Practices Directive") 11630/04 + REV 1 (nl) + REV 1 COR 1 (nl) + COR 1 (lv) + COR 2 (lv) + ADD 1, 14166/04 + ADD 1 REV 1	

NOVEMBER 2004	
OTHER ACTS	Votes made public
2617th Council meeting (Economic and Financial Affairs) on 16 November 2004 Council Regulation amending Regulation (EC, Euratom) No1150/2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources 12463/04 Council Regulation amending Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period 12750/04 Council Decision on the conclusion of an Agreement between the European Community and the Government of the People's Republic of China on cooperation and mutual administrative assistance in customs matters 12639/04 + REV 1 (hu) + REV 2 (sk) 2618th Council meeting (Justice and Home Affairs) on 19 November 2004 Steel products from Ukraine • Council Decision concerning the conclusion of the Agreement between the European Community and the Government of Ukraine on trade in certain steel products 13023/04 • Council Regulation on administering imports of certain steel products from Ukraine 13027/04 Council Decision amending the declaration by the European Community on the exercise of competence and voting rights submitted to the General Fisheries Commission for the Mediterranean 13521/04	

NOVEMBER 2004	
OTHER ACTS	Votes made public
2619th Council meeting (Agriculture and Fisheries) on 22 and 23 November 2004 Council Regulation amending Regulation (EC) No 527/2003 authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999 13554/04 Council Decision on the signing, on behalf of the European Community, and provisional application of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2004 to 31 December 2004 13981/04 + COR 1 (fi) + COR 2 (fr) 2621st Council meeting (General Affairs and External Relations) on 22 November 2004 European Union Monitoring Mission (EUMM) • Council Joint Action prolonging Joint Action 2002/921/CFSP extending the mandate of the European Union Monitoring Mission 14053/04 + COR 1 (en) • Council Decision extending the mandate of the Head of Mission of the European Union Monitoring Mission 14059/04 Council Joint Action on the extension of the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL PROXIMA) 14440/04 Council Decision extending and amending Decision 2003/276/CFSP implementing Joint Action 2002/589/CFSP with a view to a European Union contribution to the destruction of ammunition for small arms and light weapons in Albania 14522/04	

NOVEMBER 2004	
OTHER ACTS	Votes made public
Council Decision extending and amending Decision 2002/842/CFSP implementing 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 14528/04 + COR 1 (en) Council Decision extending and amending Decision 1999/730/CFSP implementing 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 Cambodia 14529/04 Council Joint Action on support for OPCW activities in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction 14519/04 Council Joint Action for the support of the physical protection of a nuclear site in the Russian Federation 14518/2/04 REV 2 Council Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China, to imports of tube or pipe fittings, of iron or steel, consigned from Sri Lanka, whether declared as originating in Sri Lanka or not 13593/04 Council Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China, to imports of tube or pipe fittings, of steel or iron, consigned from Indonesia, whether declared as originating in Indonesia or not 13579/04	

NOVEMBER 2004	
OTHER ACTS	Votes made public
Council Decision on the signing and provisional application of a Protocol to 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, 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 9856/04 + COR 1 Relations with the Western Balkans • Council Decisions concerning the signing of Framework Agreements between the European Community and the Republic of Albania, Bosnia and Herzegovina, Croatia and Serbia and Montenegro on the general principles for the participation of these countries in Community programmes • Council Decision concerning the signing of a Protocol to 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, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes 14297/04 Council Decision concerning the accession by the Republic of Moldova to the Agreement to establish a science and technology centre in Ukraine, of 25 October 1993, between Canada, Sweden, Ukraine and the United States of America 14204/04 Council Decision on the signing and provisional application of an Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, 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 13285/04 + COR 1 (en) + COR 2 (es)	

NOVEMBER 2004	
OTHER ACTS	Votes made public
2624th Council meeting (COMPETITIVENESS) (Internal Market, Industry and Research) on 25 and 26 November 2004 Council Decision on the launching of the European Union military operation in Bosnia and Herzegovina 14602/04 Written procedure completed on 26 November 2004 Council Joint Action on establishing an expert team with a view to a possible European Union integrated police, rule of law and civilian administration mission for Iraq 15207/04 2625th Council meeting (Transport, Telecommunications and Energy) on 29 November 2004 Council Decision on the signing of the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments and the approval and signing of the accompanying Memorandum of Understanding 12637/04 Council Decision on the signing of the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments and the approval and signature of the accompanying Memorandum of Understanding 14583/04 Council Regulation amending Regulation (EC) No 2667/2000 on the European Agency for Reconstruction 14712/04	

NOVEMBER 2004	
OTHER ACTS	Votes made public
Council Regulation imposing a definitive anti-dumping duty on imports of certain ring binder mechanisms originating in the People's Republic of China 14057/04 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for Energy-Using Products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council 11414/04 + COR 1 (en) + COR 2 (fr) + COR 3 (sv) + COR 4 (lt) + COR 5 (lv) + COR 6 (mt) + COR 7 (pl) + COR 8 (it) + ADD 1, 14312/04 Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code 12060/04 + COR 1 (pt) + COR 2 (nl) + COR 3 (fi) + REV 1 (hu) + ADD 1, 9499/04 + ADD 1 + ADD 1 COR 1 (de)	

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