



**COUNCIL OF
THE EUROPEAN UNION**

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(OR. fr)**

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PUBLIC 12

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
 DECEMBER 2003

This document gives:

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

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2549th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 1 and 2 December 2003 Directive of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners Directive 2003/115/EC of the European Parliament and of the Council amending Directive 94/35/EC on sweeteners for use in foodstuffs Decision of the European Parliament and of the Council establishing a general framework for financing Community actions in support of consumer policy for the years 2004-2007 Directive of the European Parliament and of the Council amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances	PE-CONS 3662/03 + COR 1 (es)	222/03, 223/03	Qualified majority
	PE-CONS 3694/03		Qualified majority
	PE-CONS 3674/03 + COR 1 (de)	224/03, 225/03	Qualified majority
	PE-CONS 3665/03 + COR 1		Qualified majority

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Legislative acts adopted following the second reading by the European Parliament under the codecision procedure Directive of the European Parliament and of the Council amending Council Directives 70/156/EEC and 80/1268/EEC as regards the measurement of carbon dioxide emissions and fuel consumption of N1 vehicles (16.12.2003) Regulation of the European Parliament and of the Council on drug precursors (16.12.2003) 2555th Council meeting (Agriculture and Fisheries) from 17 to 19 December 2003 Council Decision amending Decision 95/408/EC on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs, as regards the extension of its validity	Ref. 16162/03 PE-CONS 3603/04 Ref. 16169/03 PE-CONS 3604/04 15227/03		Qualified majority Qualified majority Qualified majority

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
- Council Regulation amending Regulation (EEC) No 1696/71 on the common organisation of the market in hops - Council Regulation amending Regulation (EC) No 1098/98 introducing special temporary measures for hops	13995/03 13996/03		Qualified majority Qualified majority
Council Regulation setting aid rates in the seeds sector for the 2004/2005 marketing year	14704/03		Qualified majority
Council Regulation amending Regulation (EEC) No 2075/92 on the common organisation of the market in raw tobacco	14728/03		Qualified majority
Council Regulation amending Regulation (EC) No 1453/2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (POSEIMA) with respect to the application of the supplementary levy in the milk and milk products sector in the Azores	15194/03		I abstention Qualified majority

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation derogating from Regulation (EC) No 1251/1999 as regards the set-aside requirement for the 2004/2005 marketing year	15103/03	228/03	Qualified majority
Council Regulation (EC) No 2561/2003 amending Regulation(EC) No 2561/2001 aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco	15209/03 + COR 1		Qualified majority
Council Regulation amending Regulation (EC) No 1037/2001 authorising the offer and delivery for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999	15942/03 + COR 1		Qualified majority
Council Regulation establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC	15229/03 + COR 1 (fr)	229/03, 230/03	E, EL, P against Qualified majority

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation fixing for 2004 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	15686/03 + COR 1	231/03, 232/03, 233/03, 234/03, 235/03, 236/03, 237/03, 238/03, 239/03, 240/03, 241/03, 242/03, 243/03, 244/03, 245/03, 246/03, 247/03, 248/03, 249/03	D, S against EL abstention Qualified majority
Council Regulation fixing for the 2004 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000	15808/1/03 REV 1 + REV 1 COR 1	250/03	F abstention Qualified majority
2556th Council meeting (Environment) on 22 December 2003			
Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products	16090/03 + COR 1 (fr)		Qualified majority
Council Directive on the control of high activity sealed radioactive sources and orphan sources	10487/03 + COR 1 (fr) + REV 1 (de,da) + REV 2 (da)	251/03, 252/03, 253/03	Qualified majority

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Framework Decision on combating the sexual exploitation of children and child pornography	10748/03 + COR 1 (fi) + COR 2 (sv)	254/03, 255/03, 256/03, 257/03, 258/03, 259/03	Unanimity
Council Decision amending the third subparagraph (under "Basic criteria for examining applications") of Part V of the Common Consular Instructions	15582/03 + COR 1 (de)		Unanimity
Council Decision amending point 1.2 of Part II of the Common Consular Instructions and drawing up a new Annex thereto	14701/03		Unanimity
Council Decision on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual	15870/03		Unanimity
Council Decision amending Part V, point 1.4., of the Common Consular Instructions and Part I, point 4.1.2. of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa	14375/03 + COR 1 (fr,it,nl,da,pt,sv)		Unanimity

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Decision amending Decisions 97/375/EC, 98/23/EC and 98/198/EC authorising the United Kingdom to apply measures derogating from Articles 28e(1), 6 and 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	15569/1/03 REV 1		Unanimity
Council Directive amending Directive 90/435/EEC on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member State	15621/03 + COR 1 (fr) + REV 1 (sv) + REV 2 (pt) + REV 3 (el) + REV 4 (da) + REV 5 (it) + REV 6 (de)	260/03	Unanimity
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 2003/646/EC	16229/03		Unanimity

DECEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French departments of Guiana and Réunion as a result of those regions' remoteness	15371/03	261/03	Qualified majority
Regulation of the European Parliament and of the Council establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy	PE-CONS 3689/1/03 REV 1	262/03, 263/02	A against Qualified majority

STATEMENT 222/03**Statement by the Commission**

"On Commission's initiative, an external evaluation of the existing EU labelling legislation, laid down in Directive 2000/13/EC and related Directives, is currently in progress. To assist it in supervising the evaluation, the Commission has set up a Steering Committee composed of experts from the industry and consumers associations. The objective of the evaluation is to identify the pieces of the labelling legislation which will have to be adapted in order to allow for a satisfaction of consumers' needs in terms of information on foodstuffs, taking into account at the same time of the constraints of the industry. The evaluation process includes all labelling rules, including rules for substances carried over from ingredients to final foods. On the basis of the results of the evaluation, the Commission will decide how the current labelling rules should be modified and will elaborate an appropriate proposal."

STATEMENT 223/03**Statement by the Commission**

"The Commission will request the Working Party on Additives of the Standing Committee on the Food Chain and Animal Health to examine the appropriate replacement of the term "weaning foods" by terms defined in the Community legislation on foods intended for infants and young children and will propose appropriate replacements for the next amendment of Directive 95/2/EC. Likewise, the Commission will request the Working Party on Additives to examine whether it is appropriate to authorise benzoates for cooked crayfish tails and to increase the maximum level of E 1520 (propylenglycol) in certain beverages containing flavourings. On the basis of these examinations, the Commission will decide whether it is appropriate to amend Directive 95/2/EC."

STATEMENT 224/03

Statement by the Commission

Article 6(5)

"The Commission will ensure that specific projects undertaken by consumer organisations and aiming to accelerate the effective implementation of the "acquis communautaire" on consumer protection in the new Member States, can be eligible for a financial contribution of 75%."

STATEMENT 225/03

Statement by the Commission

Article 12 paragraph 3 – Publication and procedures

"The Commission notes the European Parliament vote and the Council's unanimous position that there should be a three-month deadline for decision making on grant applications as set out in article 12(3). Such a timeframe is likely to be insufficient, in particular since the workload and translation requirements will increase with enlargement and the likely participation in the framework of additional third countries. Without prejudice to its executive and administrative autonomy and in full compliance with the imperatives of proper evaluation and the rules on financial and budget management, the Commission will make every effort to speed up decision-making on grant applications for action 18."

STATEMENT 226/03

Statement by the Spanish delegation

"The Spanish delegation is abstaining on adoption of the Regulation amending the Regulation on TACs and quotas for 2003.

In the Spanish delegation's view, an increase in quotas for anglerfish at this point in the year will make it very hard for the fish in question to be caught by Community fishermen, particularly those whose fisheries have been closed because quotas were fully used up, and Spain would therefore have preferred to see those fish added to the quotas to be adopted for 2004.

In the Spanish delegation's view, too, urgent advice from scientific bodies for revision of catch opportunities should be sought with the same speed, irrespective of the Member State requesting it.

Lastly, the Spanish delegation trusts that, when submitting its anglerfish TAC proposals for 2004, the Commission will act consistently with acceptance of an increase in that quota for 2003."

STATEMENT 227/03

Statement by the Danish delegation

"From a Danish point of view we are disappointed that the Commission has rejected the Danish request for an increase of the TAC for sole in Skagerrak/Kattegat for 2003.

In the spirit of compromise Denmark can accept the proposal while expecting that for 2004 a solution can be found for fisheries in Skagerrak/Kattegat, which will ensure an increase of the TAC for sole for 2004."

STATEMENT 228/03

Statement by the Commission

"The Commission intends to propose to the Management Committee that, as from 15 January 2004, the minimum size conditions for parcels set aside under the system of aid for arable crops laid down by Regulation (EC) No 2316/1999 be aligned on those adopted in Article 54(4) of Regulation (EC) No 1782/2003."

STATEMENT 229/03

Statement by the Commission

"The Commission states that a new measure entitled "meeting standards" was introduced into Community legislation on rural development in October 2003 (Council Regulation (EC) No 1783/2003 amending Regulation (EC) No 1257/1999).

The aim of the measure is to provide compensation for the additional farming costs borne by farms which have to apply new binding Community standards, such as the individual identification of sheep and goats, if this standard has a significant effect on normal farming costs and affects a significant number of farmers.

It enables the Member States (where appropriate the regions) to include in their national (regional) rural development plans the granting of flat-rate financial assistance, annually and on a degressive basis, with a ceiling per holding, for a maximum period of five years from the date on which the standard for the individual identification of sheep and goats becomes compulsory, in accordance with the Community regulation in question.

Community cofinancing of this support in the framework of the EAGGF Guarantee Section could come for each Member State (region) from the reallocation of appropriations for measures in the rural development plans in force, where there is under-utilisation in relation to the estimates in the indicative financial plans. A second cofinancing possibility will result, from 2006, from additional appropriations for rural development stemming from the modulation of direct aid."

STATEMENT 230/03

Statement by the United Kingdom

"This is an important proposal for the United Kingdom. We have the Community's largest sheep population – some 35 million animals.

We are very grateful to the Presidency and the Commission for the efforts that have been made to meet our concerns. I am able to agree to the compromise text but this is an expensive measure and I would like to record our concern that the Commission did not provide a Cost Benefit Analysis to accompany its proposal."

STATEMENT 231/03

Statement by Germany and Sweden

"The adoption of the cod recovery plan is a real improvement for sustainable management of stocks in the future. It will set target levels, introduce an efficient fishing effort system and secure better control. It corresponds to the necessary change in the Common Fisheries Policy which our two countries have been advocating for many years.

But this adoption can only be the first step for better management. The implementation of the plan is important. One element of this implementation is the fixing of the TACs for cod and associated species.

But we have to state that the levels of the TACs concerned, in particular for haddock and plaice, set for the year 2004, do not reflect the targets of the cod recovery plan. Under these circumstances we cannot agree to the TACs and Quotas Regulation."

STATEMENT 232/03

Statement by the Council on Baltic Sea Cod

"The Council takes note of Resolution XX of the International Baltic Sea Fisheries Commission on the management plan for the cod stocks in the Baltic Sea, by which the Contracting Parties have agreed to manage Baltic cod in two management areas, one for the Western cod stock and one for the Eastern cod stock. The Council notes with satisfaction that the Community has taken the first step towards a management of the Baltic cod along those lines by establishing two separate management areas for the Baltic cod in the TAC and Quota Regulation for 2004, one for the Western stock in sub-divisions 22-24 and one for the Eastern stock in sub-divisions 25-32. A full flexibility between the two areas has been allowed, as an ad hoc measure for 2004 in order to facilitate the transition to the new management system. Such flexibility should however not be repeated for subsequent years since it would undermine the purpose of separating the management areas. Underlining the importance of managing the cod stocks in accordance with the scientific advice from ICES, the Council invites the Commission to submit a proposal during the course of 2004 on a fully fledged new management system for Baltic cod, including new allocation keys for the new management areas."

STATEMENT 233/03

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

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

STATEMENT 234/03

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

"Belgium, Denmark, Germany, France and the Netherlands are of the opinion that the scales for the allocation of quotas for Member States were finally agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.

Furthermore, in years with scarce and decreasing stocks, Hague preferences result in unreasonable extra allocations at the expense of other Member States.

We are opposed to the application of the Hague preferences, which run counter to the principle of relative stability, as does the present Presidency compromise."

STATEMENT 235/03

Statement by the Irish delegation on relative stability

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

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

STATEMENT 263/03

Statements by the Commission and Council on Swedish mackerel fishing

"The Commission will continue its efforts to find a satisfactory solution as soon as possible for Sweden to fish also in the Norwegian fishing zone in ICES IVab the mackerel quota, which for 2004 is limited to ICES IIIa and Community waters in IVab."

"The Council welcomes the progress already made on this problem, and notes the intention of the Commission to continue its efforts to find a satisfactory solution as soon as possible for Sweden to fish also in the Norwegian fishing zone in ICES IVab the mackerel quota, which for 2004 is limited to ICES IIIa and Community waters in IVab."

STATEMENT 237/03

Statement by the United Kingdom on management measures for haddock in Areas VIb, XII and XIV for 2004

"The United Kingdom has expressed concerns on a number of occasions about the management arrangements for haddock in ICES areas VIb, XII and XIV for 2004. The United Kingdom has three particular concerns. First, the United Kingdom judges that the new management arrangements prejudice the assured relative stability of fishing activities as decided by the Council in its Resolution of 3 November 1976 (in particular Annex VII). Second, the United Kingdom believes that it may prove disadvantageous to longer term Community fishing interests to establish a situation where, for a single fish stock, a firmly regulated European fishery adjoins an unregulated international fishery. This is especially true given that international negotiations to regulate the whole fishery are ongoing. Third, the United Kingdom considers that the establishment of a new TAC management area always warrants careful appraisal. In this case, in setting the Rockall Haddock TAC at a level representing 32% of recent catches, no consideration has been made of the impact of that change on the actual fishing activities in the area. In the light of these concerns, the United Kingdom expresses its strong sense of disappointment that alternative suggestions – which would have reduced actual fishing effort for Rockall Haddock without giving rise to the above concerns – have not been given more careful consideration by the Commission during the negotiations on fishing opportunities for 2004."

STATEMENT 238/03

Statement by the German and United Kingdom delegations on quotas in Greenland waters

"The United Kingdom and Germany recall their joint statement in the minutes of the Agriculture and Fisheries Council meeting of 17 November 2003 about the EC/Greenland Fisheries Protocol. That statement recorded the two delegations' intention to revert to their dissatisfaction with a number of aspects of the modifying Protocol when the draft Regulation (COM(2003) 609 final) giving effect to that Protocol finally comes before the Council for discussion.

In addition, the United Kingdom notes that the omission from Annex IC of the Regulation setting TACs and quotas for 2004 of a provision setting a quota for cod in Greenland waters effectively prejudices whether the Council will adopt the draft Regulation giving effect to the content of the modifying Protocol. The United Kingdom gives notice that the lack of justification for not setting quotas for Greenland cod is one of the matters to which the United Kingdom will draw attention in the discussions on that Protocol."

STATEMENT 239/03

Joint statement by the Danish, French, German and United Kingdom delegations

"The Danish, French, German and United Kingdom delegations reaffirm the importance of the conclusions adopted by the Council on 30 October 1997 concerning fisheries agreements with third countries. These included calling upon the Commission to consider to what extent a greater flexibility in the implementation of fisheries agreements can be achieved, addressing inter alia arrangements allowing for fishing possibilities to be transferred from one Member State to another in case of under-utilisation, without prejudice to the principle of relative stability.

The Danish, French, German and United Kingdom delegations reaffirm that it would be contrary to the principle of relative stability to confer on the Commission the power to transfer fishing possibilities from one Member State to another, inter alia in the case of the fishing agreements with the Faroe Islands, Greenland, Iceland and Norway."

STATEMENT 240/03

Statement by the Spanish delegation on the allocation in 2004 of certain catch quotas in Icelandic waters

"The Spanish delegation considers that the allocation of redfish in Icelandic waters in no way prejudices the allocation to be made in future years, given that the fishing opportunities involved are new ones deriving from new agreements between the Community and Iceland in which all Member States are entitled to participate, according to the judgment of the Court of Justice of 13 October 1992 in Case C-63/90 and others."

STATEMENT 241/03

Statement by the Spanish delegation on non-utilised fishing possibilities under the agreements with the Faroe Islands, Greenland, Iceland and Norway

"Taking account of the conclusions adopted by the Council on 30 October 1997 concerning fisheries agreements with third countries, and in particular point 4(i), the Spanish delegation reaffirms the importance it attaches to flexibility in the implementation of fisheries agreements, especially as regards the transfer of fishing opportunities from one Member State to another in the case of under-utilisation, without prejudice to the principle of relative stability.

Despite the time that has elapsed since the Council adopted these conclusions, the Regulation on TACs and quotas for 2004 makes no provision for such transfers in the fishing opportunities obtained in the fisheries agreements, and in particular those with the Faroe Islands, Greenland, Iceland and Norway. These transfers are clearly necessary for sound fisheries management, and their absence could jeopardise the full utilisation of the fishing opportunities granted under the aforementioned agreements, which is a vital element in the protection of the interests of the Community as a whole.

The Spanish delegation reiterates that specific proposals for putting these Council conclusions into practice need to be submitted at an early date."

STATEMENT 242/03

Statement by the Spanish delegation on the allocation of TACs in the Community in the waters of the Baltic Sea and the North Sea

"The Spanish delegation states that it does not agree with the allocation of TACs in the Community in the waters of the Baltic Sea and the North Sea. Spain upholds the appeals submitted to the Court of Justice of the European Communities against Regulation No 2341/2002, which allocated no quotas to Spain in these fisheries zones despite the completion of the transitional period, and will be submitting a further appeal."

STATEMENT 243/03

Statement by the French delegation on improving requests for scientific advice from ICES

"In line with the proposal it made at the Council meeting, France asks the Commission to involve the Member States in defining the next request for scientific advice that it addresses to ICES with a view to setting TACs and fishing quotas for 2005.

It would in particular be useful to have biological diagnoses and resource management recommendations offering a number of options."

STATEMENT 244/03

Statement by the French delegation on the retrocession to Saint Pierre and Miquelon of the yellowtail flounder quota (*limanda ferruginea*)

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

Although small, this quota is nonetheless significant for the collectivity, for which reason the French Government has regularly argued for its retrocession to Saint Pierre and Miquelon.

That is why France continues, on account of Saint Pierre and Miquelon, to seek retrocession of the Community quota of yellowtail flounder."

STATEMENT 245/03

Statement by the French delegation concerning point 13 of Annex IV to Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing the TACs and fishing quotas for 2004 (restrictions on fishing for cod in the West of Scotland)

"Commission Regulation (EC) No 456/2001 of 6 March 2001 established a sub-area to the west of Scotland (cod box) closed to fishing in order to protect cod reproduction from the beginning of the year to 30 April.

France wishes to stress that there is no biological basis justifying the closure to fishing throughout the year of this sub-area, as defined in point 13 of Annex IV to Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing the TACs and fishing quotas for 2004."

STATEMENT 246/03

Statement by the French delegation on the specific management of common scallop, edible crab and spider crab fisheries in the Channel

"France, recalling the Commission's statement for the Council minutes on adoption of Regulation (EC) No 1954/2003 of 4 November 2003 establishing a system of management of fishing effort in Western waters, trusts that a specific management plan for common scallop, edible crab and spider crab fisheries in ICES sub-areas VIIId and VIIe (Channel) will be developed in 2004."

STATEMENT 247/03

Statement by the Commission and the Council on the inclusion of additional stocks in existing multi-annual recovery plans

"The Council invites the Commission to come forward with proposals to incorporate into the existing recovery plans the stocks newly identified as being below precautionary biomass levels, namely cod and plaice in the Celtic Sea, whiting in the Irish Sea and plaice in the North Sea. To this end, the measures designed to rebuild the stocks to precautionary levels should be based on the management of fisheries rather than of individual stocks and should include restrictions on fishing effort in accordance with scientific advice unless this is not necessary to achieve the objectives of the plan. Consultation with Regional Advisory Councils (RACs) should be envisaged in this regard. In the case of North Sea plaice, the plan should include measures designed to improve selectivity and reduce discards."

STATEMENT 248/03

Statement by the Council on recovery plans for sole stocks in the Western Channel and Bay of Biscay and for the Southern hake stock and the Norway lobster stock in the Cantabrian Sea and Western Iberian waters

"The Council invites the Commission to come forward with proposals for the recovery of sole stocks in the Western Channel and Bay of Biscay and for the recovery of the Southern hake stock and the Norway lobster stock in the Cantabrian Sea and Western Iberian waters. The Council considers that recovery plans for these stocks should be adopted as early as possible in 2004, subject to the availability of the respective European Parliament's opinions on the proposals.

These measures should aim to rebuild the biomass of the stocks to precautionary levels by fixing total allowable catches using harvest rules that would, according to scientific advice, lead to stock recovery within a 5 to 10 year period.

The measures should include restrictions on fishing effort in accordance with scientific advice, unless this is not necessary to achieve the objectives of the plan, in order to bring it in line with the quotas fixed using the harvest rules, taking into account the particular nature of multi-species fisheries. Consultation with Regional Advisory Councils (RACs) should be envisaged in this regard. Where appropriate, technical measures should be adopted to improve the selectivity of the fishing gears deployed.

In the case of Norway lobster, there should be specific technical measures designed to ensure the recovery of the stocks concerned. Until such measures are adopted under a recovery plan, the Council invites the Commission to come forward with proposals for interim measures, such as the closure of selected areas or the temporary prohibition of fishing, to be adopted by the Council before 31 March 2004, in order to protect stocks of Norway lobster around the Iberian Peninsula.

In order to ensure the compliance with the measures introduced by the recovery plans,

the Council on a proposal by the Commission, undertakes to consider and adopt specific monitoring and control measures for the stocks concerned."

STATEMENT 249/03

Statement by Estonia regarding Annex IV p. 11.1,2(a)

"Measured engine power of the vessels within lists could be calculated as aggregated in the years 2000-2001."

STATEMENT 250/03

Statement by the French delegation

"France regrets the proposed reduction (-5%) of the guide price for 2004 for saithe (*Pollachius virens*), which it regards as excessive and cannot support.

The fall in the market price for saithe is the result of the large increases in the TAC following the concessions granted to Norway. For 2004, it is all the more regrettable that such a concession has been granted (15% increase in the TAC), when France had warned the Commission against any increase in the TAC, precisely in order to ensure that market prices remained stable.

France calls on the Commission to give a clear undertaking, ahead of the forthcoming consultations with Norway, to take due account of Community interests in relation to the stability of market prices for saithe."

STATEMENT 251/03

Regarding recital 8a, in relation with Article 6(g):

"The Council and the Commission confirm that cases of unintentional exposure mean cases such as those resulting from a source or a part of the source being jammed and left in an unshielded position, from a malfunction, loss of integrity or deliberate defeat of the safety and control systems, or from any event causing leakage of the source or other incidents or accidents such as mechanical stresses or fire affecting the source."

STATEMENT 252/03

Regarding Article 9(3):

"The Commission confirms that the need to regulate the question of export and import of undeclared radioactive contaminated metallic material which may contain orphan sources may be addressed in the framework of discussions on an amendment to Council Directive 92/3/EURATOM on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community."

STATEMENT 253/03

Regarding the legal basis:

"Germany would like to make it clear that its agreement to the use of Articles 31 and 32 of the Euratom Treaty as the sole legal basis for the Directive on the control of high-activity sealed radioactive sources, Articles 3 and 10 of which for the first time lay down financial provisions on the basis of the Euratom Treaty, without including Article 203 of the Euratom Treaty as an additional legal basis, cannot be taken as a precedent for acceptance of the Commission's intended use of Articles 31 and 32 of the Euratom Treaty as the sole legal basis for the draft Directives on nuclear safety and on management of spent nuclear fuel and radioactive waste."

STATEMENT 254/03

Statement on Article 3(2)(c) of the Framework Decision

"The United Kingdom, Belgium, Germany, Ireland and Greece condemn all forms of child pornography, see no distinction between real and virtual images of children, and consider it essential to take strong action against both. These States will not therefore apply the discretionary exemption from criminal liability provided for in Article 3(2)(c) of this Framework Decision."

STATEMENT 255/03

Statement by Portugal

"Portugal condemns all forms of sexual exploitation of children and child pornography. Portugal cannot accept the importance of child protection being devalued by assimilation to virtual images. The dignity of the child is irreducible and cannot be called into question. Portugal will therefore provide for harsher sentences for all acts involving children or other human beings than apply in cases of virtual pornography."

STATEMENT 256/03

Statement by France

"France understands the obligation for the Member States to punish attempts to commit the offences referred to in Article 2(c)(i) and (iii) as an obligation to punish attempts to commit rape as defined in its internal law."

STATEMENT 257/03

Statement by Denmark

"Denmark condemns child pornography and all forms of sexual exploitation of children and stresses the importance of criminalising this phenomenon. The Danish criminal code does not contain provisions which explicitly refer to the term "pornographic performances". The Danish criminal code contains provisions, however, that criminalise coercing, recruiting or inducing a person to indulge in "sexual immorality". Denmark considers the term "sexual immorality" to cover pornographic performances as referred to in the Framework Decision."

STATEMENT 258/03

Statement on Article 5(1)

"The German and Finnish delegations assume that the rule laid down in Article 5(1) does not mean that aiding, abetting and attempt, in particular, are to be equated with the offence committed by the principal offender."

STATEMENT 259/03

Statement on Article 5(2)(c)

"Belgium regrets that the scope of Article 5(2)(c) is limited to cases where the victim is a child below the age of sexual consent, and declares that it will not apply that limitation in its national law."

STATEMENT 260/03

Statement by the Council

"The Council agrees that the approval of the Annex to this Directive shall have no bearing whatsoever on future discussions on the Commission proposal for a Directive amending Directive 90/434/EEC."

STATEMENT 261/03

Statement by the Commission

"The Commission will analyse the utilisation rates under the scheme and the tonnages not covered and will examine whether these aspects warrant the submission of proposals to make additional amounts available to those Member States which have spent all of the funds allocated to them."

STATEMENT 262/03

Statement by the Austrian delegation

"Austria has always emphasised that specific, long-term solutions and framework conditions, as defined by the obligations entered into by the Union in Declaration No 34 annexed to the Austrian Accession Treaty of 1995 to provide people and the environment with the necessary protection from the negative consequences of road freight transport, are essential in order to ensure, in particular in the context of an enlarged Union, that the reduction achieved in pollution and noise nuisance due to heavy goods traffic is sustainable and permanent, even after the expiry of the present ecopoint system at the end of 2003. This is explicitly laid down in the form of primary legislation in Protocol No 9 to the Austrian Act of Accession. The current ecopoint system has proved to be an essential element in the endeavour to create a sustainable European traffic solution.

Austria would emphasise that the agreement reached between the European Parliament and the Council in the framework of the conciliation procedure on a joint text for a regulation to replace the ecopoint system does, however, constitute a significant step backwards in relation to environmental improvements already achieved. This is due in particular to the fact that the proposed liberalisation of transit routes using five ecopoints or fewer, in combination with an insufficient annual ecopoint reduction, in effect allows an unlimited number of transit journeys through Austria and results in a negative environmental balance. Moreover, as the European Commission does not intend to make the necessary amendments to the current implementing regulations, the implementation of this system is hampered by numerous technical obstacles that in practice make it neither feasible nor verifiable.

Austria therefore votes against this proposal and notes with regrets that on an issue which is of such paramount importance to a Member State and where the balance of interests puts it in a minority of 14 to 1, the majority will vote against that Member State. Austria regrets this course of action, not least with regard to the European principle of solidarity."

STATEMENT 263/03

Statement by the Council, the European Parliament and the Commission

"The European Parliament, Council and the Commission declare that they agree on the number of transit points to be attributed to each of the acceding countries for use during the period of application of the Regulation. This agreement will be finalised in accordance with the appropriate legal procedure.

The calculation of the transit points will be based on the total number of transit journeys through Austria made in 2002, as listed below, multiplied by the NO_x factor of 2003. For the period of 1 May 2004 to 31 December 2004, when the Regulation will apply in the acceding countries concerned, the number of transit points will be reduced correspondingly by 33,33 %. For 2005 and 2006, if the Regulation is extended, the evolution of these transit points will be aligned with the evolution of the transit points agreed for the current Member States.

Czech Republic (CS)	80 078
Cyprus (CY)	500
Estonia (ES)	2 764
Lithuania (LT)	6 914
Latvia (LV)	3 564
Hungary (HU)	120 100
Malta (MT)	2 400
Poland (PL)	54 684
Slovakia (SK)	23 725
Slovenia (SL)	Slovenia will receive the same number of points as in 2003."

DECEMBER 2003	
OTHER ACTS	Votes made public
2549th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 1 and 2 December 2003 Common Position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council adopting a programme of Community action (2004-2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the DAPHNE II programme) 13816/03 + COR 1 (fr) + COR 2 (da,de,el,es,fi,fr,it,nl,pt,sv) + COR 3 (fi) Council Resolution on Safety of Services for Consumers 15023/03 Council Conclusions on healthy lifestyles: education, information and communication 15022/03 Council Recommendation on cancer screening 15026/03 Council Conclusions on Medical Devices 14747/03 Pharmaceuticals and Public health Challenges - Focusing on the Patients - Council Resolution 14748/03 2551st Council meeting (Transport, Telecommunications and Energy) on 5 December 2003 EUMM • Council Joint Action prolonging Joint Action 2002/921/CFSP extending the mandate of the European Union Monitoring Mission (EUMM) 15213/03 • Council Decision extending the mandate of the Head of Mission of the European Union Monitoring Mission (EUMM) 15214/03	

DECEMBER 2003	
OTHER ACTS	Votes made public
Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators 13910/03 + COR 1 (en) + ADD 1 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 negotiation and implementation of air service agreements between Member States and third countries 13732/03 + ADD 1 Common Position adopted by the Council on 17 November 2003 with a view to the adoption of a Directive of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EE 13263/1/03 REV 1 + REV 2 (de) + ADD 1 + REV 2 ADD 1 (de) 2552nd Council meeting (General Affairs and External Relations) on 8 December 2003 Council Regulation establishing additional customs duties on imports of certain products originating in the United States of America 14359/03 + COR 1 (fi) + ADD 1 Council Decision on the accession of Canada to the Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community 14850/03 Council Decision implementing Joint Action 2003/472/CFSP with a view to contributing to the European Union Cooperation Programme for Non-proliferation and Disarmament in the Russian Federation 15511/03	

DECEMBER 2003	
OTHER ACTS	Votes made public
• Council Joint Action amending and extending the mandate of the Special Representative of the European Union for the African Great Lakes Region 15343/03 • Council Joint Action amending and extending the mandate of the Special Representative of the European Union in the Former Yugoslav Republic of Macedonia 15344/03 • Council Joint Action extending and amending the mandate of the Special Representative of the European Union in Afghanistan 15345/03 • Council Joint Action extending and amending the mandate of the Special Representative of the European Union for the South Caucasus 15347/03 • Council Joint Action extending and amending the mandate of the Special Representative of the European Union for the Middle East Peace Process 15348/03 Council Decision concerning the implementation of Joint Action 2002/210/CFSP on the European Union Police Mission 15439/03 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on markets in financial instruments, amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC 13421/03 + COR 1 (da) + COR 2 (de) + COR 3 (fr) + COR 4 (en) + COR 5 (el) + COR 6 (de) + COR 7 (fi) + COR 8 (es,pt) + COR 9 (it) + REV 1 (sv) + REV 2 (nl) + ADD 1 + ADD 1 COR 1	

DECEMBER 2003	
OTHER ACTS	Votes made public
Written procedure concluded on 11 December 2003 Council Decision on the conclusions of an agreement between the EU and the former Yugoslav Republic of Macedonia on the status and activities of the European Union Police Mission (EUPOL PROXIMA) in the former Yugoslav Republic of Macedonia 15705/1/03 REV 1 Written procedure concluded on 12 December 2003 Council Regulation repealing Regulation (EC) No 1031/2002 establishing additional customs duties on imports of certain products originating in the United States of America 15302/03 2554th Council meeting (Transport, Telecommunications and Energy) on 15 December 2003 Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters relating to the provisional application of the Protocol amending the Fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Local Government of Greenland, on the other with regard to the provisions for experimental fisheries and the budgetary support programme 14133/03, 15054/1/03 REV 1 + ADD 1 + ADD 1 COR 1 Council Regulation amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 and extending it to 31 December 2005 14668/03 + COR 1 (fi), 15016/03 Council Regulation protecting against the effects of the application of the United States Anti-Dumping Act of 1916, and actions based thereon or resulting therefrom 12709/03 + COR 1 (en) + COR 2 (el) + COR 3 (fi)	

DECEMBER 2003	
OTHER ACTS	Votes made public
Council Decision on trade in certain steel products between the European Community and Ukraine 13921/03 Council Regulation amending Council Regulation (EC) No 964/2003 imposing definitive anti-dumping duties on imports of certain tube or pipe-fittings, of iron or steel, originating in the People's Republic of China and Thailand, and those consigned from Taiwan, whether declared as originating in Taiwan or not 15164/03 2555th Council meeting (Agriculture and Fisheries) from 17 to 19 December 2003 Council Regulation amending Council Regulation (EC) No 964/2003 imposing definitive anti-dumping duties on imports of certain tube or pipe-fittings, of iron or steel, originating in the People's Republic of China and Thailand, and those consigned from Taiwan, whether declared as originating in Taiwan or not 15164/03 Council Regulation terminating the partial interim review and the expiry review concerning the anti-dumping measures imposed by Regulation (EC) No 2398/97 on imports of cotton-type bed linen originating, inter alia, in India 15540/03 Council Decision on the signing and provisional application of bilateral Agreements between the European Community and certain third countries (Azerbaijan, Kazakhstan, Tajikistan and Turkmenistan) on trade in textile products 15094/03 + COR 1 (es) + COR 2 (it) Adoption of a Council Decision on the conclusion of an Agreement amending the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) 9190/03 + COR 1 (fi)	

DECEMBER 2003	
OTHER ACTS	Votes made public
Council Decision fixing the financial contributions to be paid by the Member States under the European Development Fund (first instalment of 2004) 15514/03 Common Position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council on Interoperable Delivery of pan-European eGovernment Services to Public Administrations, Businesses and Citizens (IDABC) 14816/03 + COR 1 (sv) + ADD 1 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) 13599/03 + COR 1 + COR 2 (es) + COR 3 (pt) + COR 4 (fr) + COR 5 (es) + ADD 1 + ADD 1 REV 1 (el) Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community 14141/03 + ADD 1 Council Decision on the signing of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto 14938/03 + COR 1 (fi) + COR 2 (en) Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the trade and trade-related provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part 15480/03 + ADD 1	

DECEMBER 2003	
OTHER ACTS	Votes made public
2556th meeting of the Council (Environment) on 22 December 2003	
Council Regulation on the conclusion of the Fisheries Agreement between the European Community and the Republic of Mozambique 14928/03 + COR 1 (fr,sv) Decision of the Council and of the Commission on the signature on behalf of the European Community and of the European Atomic Energy Community of the Agreement on Scientific and Technological Cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part 15753/03 Council Decision on the conclusion of the Agreement on scientific and technological cooperation between the European Community and the Kingdom of Morocco and Agreement on Scientific and Technical Cooperation between the European Community and the Kingdom of Morocco 15786/03, 10094/03 + COR 1 (en,fi,it,nl,sv) + COR 2 (fr) + COR 3 (pt) + COR 4 (de,da) + COR 5 (es,el) + COR 6 (es,de,da,en,fi,fr,el,it,nl,pt,sv) Council Decision on the conclusion of the Agreement on scientific and technological cooperation between the European Community and the Tunisian Republic and Agreement on scientific and technological cooperation between the European Community and the Tunisian Republic 15789/03, 10100/03 + COR 1 (de,da,en,es,fi,el,it,nl) + COR 2 (fr) + COR 3 (sv) + COR 4 (de,da,en,es,fi,fr,el,it,nl,pt,sv) Council Resolution on strengthening Community cooperation in the field of civil protection research 14782/03 Council Decision amending Decision 2001/131/EC concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement 16165/03	

DECEMBER 2003	
OTHER ACTS	Votes made public
Council Regulation terminating the partial interim review of the anti-dumping measures applicable to imports of urea originating in Russia 13607/03 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of silicon originating Russia 15903/03 Council Decision on the provisional application of a bilateral agreement between the European Community and the Republic of Belarus on trade in textile products 15746/03 Council Decision on a Community position concerning a Decision of the European Community – former Yugoslav Republic of Macedonia Cooperation Council implementing further liberalisation of the trade in agricultural and fisheries products 15583/03 + COR 1 (fr,nl,en,el,es,pt,sv) Council Decision on the appointment of the Special Coordinator of the Stability Pact for South-Eastern Europe 15835/03 Council Decision implementing Common Position 2003/297/CFSP on Burma/Myanmar 15971/03 Council Common Position updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2003/651/CFSP 16228/03 Council Decision relating to the conclusion of an additional Protocol, laying down the trade arrangements for certain fish and fishery products, to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part; adoption of a Decision on the conclusion of a Protocol on trade in fishery products 8510/1/03 REV 1, 16189/03	

DECEMBER 2003	
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 the Kingdom of Morocco concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 3 to the EC-Morocco Association Agreement 15613/03 + COR 1 (it) Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures and the replacement of Protocols Nos 1 and 2 to the EC-Israel Association Agreement 14401/03 + COR 1 (pt) + COR 2 (it) + ADD 1 Council Decision establishing a Community action programme for bodies promoting reciprocal understanding of relations between the European Union and certain regions in the world 15542/03 Common Position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training 15334/03 + ADD 1 Common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council establishing a Community action programme to promote bodies active at European level in the field of youth 15327/03 + ADD 1 Common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council establishing a Community action programme to promote bodies active at European level in the field of culture 15331/03 + ADD 1 + ADD 1 COR 1 (en,de,es,pt,fi,sv)	

DECEMBER 2003	
OTHER ACTS	Votes made public
Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on quarterly financial accounts for general government 15172/03 + ADD 1	
