



**COUNCIL OF
THE EUROPEAN UNION**

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TRANSPARENCY

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
JANUARY 1999

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in January 1999. It is accompanied by statements in the minutes which the Council has decided may be released to the public (**Annex II**). It also mentions any votes against and abstentions, as well as explanations of voting.

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question, and the information contained in Annexes I and II hereto, are available to the public on the Internet at the "Eudor" website (<http://eudor.com>; see "Transparency of the Council's legislative activities").

- in **Annex III**, a list of the other acts adopted by the Council in January 1999, with a reference, where appropriate, to voting results, explanations of voting and statements which the Council has decided to release to the public.
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JANUARY 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTING
2156th Council meeting (Economic and Financial Questions), on 18 January 1999 Council Decision authorising the Kingdom of Denmark to apply or to continue to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC Council Decision authorising the Kingdom of Spain to apply a measure derogating from Articles 2 and 28a(1) of the sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes Council Decision authorising the Italian Republic to apply a measure derogating from Articles 2 and 10 of the sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes Council Decision authorising the Portuguese Republic to apply a measure derogating from Articles 21(1)(a) and 22 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes	12990/1/98 REV 1 14373/98 5031/99 5033/99		

JANUARY 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTING
Council Decision amending Article 3 of Decision 98/198/EC	5035/99		
5157th Council meeting (Agriculture), on 19 January 1999			
Council Regulation amending Regulation (EEC) No 2262/84 laying down special measures in respect of olive oil	13661/98		D opposed
Council Regulation amending Regulation (EC) No 2027/95 establishing a system for the management of fishing effort relating to certain Community fishing areas and resources	13589/98 + COR 1 (f)		
2158th Council meeting (General Affairs), on 25 January 1999			
European Parliament and Council Decision adopting a programme of Community action on injury prevention in the framework for action in the field of public health	PE-CONS 3601/99	1/99	NL opposed
Council Decisions adopting specific programmes for research, technological development and demonstration in the following fields (1998-2002):			
• Quality of life and management of living resources	5055/99 + COR 1	2/99, 3/99, 4/99, 5/99, 6/99	

JANUARY 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTING
- User-friendly information society - Competitive and sustainable growth - Energy, environment and sustainable development - Confirming the international role of Community research - Promotion of innovation and encouragement of SME participation - Improving the human research potential and socio-economic knowledge base - Direct actions – JRC programme (EC) - Nuclear energy research - Direct actions – JRC programme (Euratom) Council Regulation amending Regulation (EC) No 3295/94 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods European Parliament and Council Directive relating to coffee extracts and chicory extracts	5056/99 5057/99 + COR 1 (f,nl,dk,gr,es,p,fin,s) 5058/99 + COR 1 (en) 5059/98 + COR 1 (f,I,en,es,p,fin,s) 5060/99 + COR 1 (f) 5061/99 5062/99 5063/99 + COR 1 5064/99 14179/98 PE-CONS 3633/98 + COR 1 (fin)	7/99	E Abstention E Voting explanation ¹ S Voting explanation ²

¹ page 7 (Annex II)

² page 8 (Annex II)

JANUARY 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTING
European Parliament and Council Directive relating to radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity	PE-CONS 3635/98 + COR 1 (fin)	8/99	I opposed
European Parliament and Council Directives on: the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (96/0169(COD))	PE-CONS 3631/98 + COR 1 (f,d,nl,en,gr,es,p,fin,s) + COR 2 (d) + COR 3 (fin) + COR 4 (f) + COR 5 REV 1 (gr)	9/99, 10/99, 11/99	
the establishing of a Community list of foods and food ingredients treated with ionising radiation (96/0169B(COD))	PE-CONS 3632/98 + COR 1 (gr)		

STATEMENT 1/99

Commission statement

"The Commission would have wished the common position to include some elements of its modified proposal, in particular those that were introduced following the first reading of the European Parliament.

As regards Article 5 on committee procedure, the Commission can only reiterate that the mixed management-advisory Committee for this kind of programme is over-bureaucratic and cumbersome. The Commission would have preferred a purely advisory Committee, which could cover explicitly the areas of activity envisaged by the Council.

As regards Community financial support for data collection by Member States in Part A of the Annex, the Commission can state that the rate of funding will be set in the light of annual funds available and current practice in the area of Community funding for other public health action programmes, but that it will be at a rate of at least 65%.

The reports referred to in Article 7(2) of the text will also examine the link between the quality of the data collected and the financial support granted.

However, in view of the circumstances within the Council and in order to enable an agreement to be reached by a qualified majority, the Commission, which attaches great importance to the adoption of its programme, has accordingly amended its proposal for a Decision of the European Parliament and of the Council adopting a programme of Community action on injury prevention (1999-2003) on these points."

STATEMENT 2/99

STATEMENT BY THE COUNCIL AND THE COMMISSION

1. Re Annex I to the decisions relating to the thematic programmes
(5055/99, 5056/99, 5057/99, 5058/99)

"The Council and the Commission agree that the Commission will aim at maintaining and where possible improving the level of SME participation reached in the Fourth Framework Programme; it will in any case ensure that at least 10% of the resources of Activity 1 are allocated to SMEs. Specific measures for SMEs will be implemented in each specific programme."

STATEMENT 3/99

COMMISSION STATEMENT

2. Re Article 6, paragraph 2, first indent, in all EC specific programme decisions except the JRC decision
(5055/99, 5056/99, 5057/99, 5058/99, 5059/99, 5060/99, 5061/99)

"The Commission confirms that the content and indicative timetable of all calls for proposals will be set out in the work programme, or in any subsequent revision thereof, to be submitted to the Committee for opinion.

The Commission further confirms its intention to inform the Committee of measures on which its opinion is sought in time to permit proper consideration."

STATEMENT 4/99

COMMISSION STATEMENT

3. Re Article 7 in all EC specific programme decisions except the JRC decision
(5055/99, 5056/99, 5057/99, 5058/99, 5059/99, 5060/99, 5061/99)

"The Commission states that, in order to serve the purposes of efficiency and transparency of implementation, it will systematically make available to the Programme Committee comprehensive information covering all the proposals received for RTD actions as well as those eventually funded, regardless of their size.

The Commission will provide the information in a readily usable form, including whenever possible in electronic form, in time for the Committee to take due account of it, at least 10 days in advance for matters for the Committee's opinion and 5 days for matters for information.

The information will cover all stages of the evaluation of RTD actions – including times taken for each stage – and their follow-up, namely:

- calls for proposals;
- evaluation per se;
- selection;
- signature of contracts; and
- implementation of actions.

It will in particular include an overview of each call and for each proposal:

- summary information;
- the evaluation panels' ranking and summary reports; and
- the Commission's intentions as to proposals to be rejected or to be retained for negotiation;
- total budget and requested Community contribution.

The Commission will provide information regularly, and at least annually, on:

- the contracts signed (including partners, areas, content, resources and Member States' participation) and on their major developments, together with
- the overviews of programme progress and achievements, as well as on
- the lists of persons having acted as evaluators over the previous period once all decisions have been made on the relevant call."

STATEMENT 5/99

COMMISSION STATEMENT

4. Re Article 6 in the EC specific programme decision concerning the JRC
(5062/99)

"The Commission will ensure the implementation of JRC's mission in the specific programme through a real customer-driven relationship with the Commission involving the establishment of efficient links between the JRC and other Commission services which are entrusted with Community policies. This will include the establishment of a multiannual work programme for the duration of the Fifth Framework Programme and the establishment of annual work programmes, through which the multiannual work programme will be implemented.

To this end, the JRC will work with the commissioning Directorates-General in this process to provide clear statements of the rationale for its activities, together with specific objectives and measurable deliverables and will clearly allocate resources."

STATEMENT 6/99

COMMISSION STATEMENT

5. Re "Support for research infrastructures" in the specific programme decision on a
"User-friendly information society"
(5056/99)

"The Commission will ensure that the research infrastructure activities under this programme, which support the broadband interconnection of national research and education networks, will be closely coordinated with the supplementary activities within the scope of other thematic programmes which support the use of such networks in their particular fields of activity. To this end, the Commission will carefully examine the needs of the different research communities to ensure that effective use can be made of the available funds."

STATEMENT 7/99

STATEMENT BY THE UNITED KINGDOM DELEGATION

Re Articles 3(5) and 65(2)

"The United Kingdom delegation believes that the imposition of a one-year uniform period of application of a decision where the rightholder holds a Community trademark is unnecessarily inflexible."

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Explanation of vote by the Spanish delegation

"The Spanish delegation is abstaining on the grounds that, in relation to the Commission proposal, extending the scope of Regulation No 3295/94 to include process patents is difficult in practice and that the Committee provided for in Article 13 of the Regulation should examine in detail the customs authorities' action in such cases to ensure harmonised control mechanisms throughout all national customs administrations."

Explanation by the Swedish delegation of its vote

"Sweden basically takes the view that unit pricing is sufficient and there is thus no need for standardised packaging sizes for coffee extracts and chicory extracts. In order to show a willingness to compromise and make for progress, Sweden is nevertheless voting in favour of the proposal. We take it, however, that standardised sizes for coffee extracts and chicory extracts are a special case and this decision will not set a precedent for other fields. It is not in consumers' interest to impose any further unnecessary rules of this kind. Sweden would point out in particular that the aim in reviewing the Directive relating to coffee extracts and chicory extracts was to simplify legislation and we regret the fact that this has only partly been achieved."

STATEMENT 8/99

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

Re Article 3

"The European Parliament, the Council and the Commission recognise the importance of the requirement relating to the prevention of harm to the network or its functioning which causes an unacceptable deterioration of service, taking into account in particular the need to safeguard the interests of the consumer.

Therefore, they note that the Commission will carry out a continuous assessment of the situation in order to evaluate whether that risk occurs frequently and, in that case, to find an appropriate solution in the framework of the Committee acting in accordance with the procedure laid down in Article 15.

Such a solution will, where appropriate, consist of the systematic application of the essential requirement provided for in Article 3(3)(b).

Furthermore, the European Parliament, the Council and the Commission state that the procedure described above applies without prejudice to the possibilities provided for in Article 7(5) and to the development of voluntary certification and marking schemes to prevent either the deterioration of service or any harm to the network".

STATEMENT 9/99

COMMISSION STATEMENT

Re recital 17

"The Commission stresses that, once the new decision on the reform of committee procedures has been adopted, it will propose to the legislator that the provisions governing committees in all previous acts should be adjusted to bring them into line with the new committee procedure decision. The Commission undertakes to apply in full any interinstitutional agreement deriving from this new decision."

STATEMENT 10/99

STATEMENT BY THE COUNCIL AND THE COMMISSION

Re Article 7(3), third indent

"With the objective of ensuring that such methods exist for all products, the Commission and the Member States will encourage the further development of standardised or validated methods of analysis which aim to verify whether foodstuffs have been treated by ionising radiation. The Commission confirms that the annual report referred to in Article 7(4) will include information on such developments. It will include in its annual report for the year 2001 a review of the application of these provisions, to determine whether any problems have arisen with the use of validated or standardised methods. The Commission will, where appropriate and in accordance with the decision-making procedures defined in the Treaties or in this Directive, take steps to deal with these problems and those that are likely to arise. This information will also be made available to the European Parliament."

STATEMENT 11/99

UNILATERAL STATEMENT BY THE GERMAN DELEGATION

"The German Government would remind the European Commission of the concern repeatedly expressed during discussion of the Directives that the development of alternative procedures to radiation of foodstuffs should be promoted and research funding provided for the purpose."

JANUARY 1999	
OTHER ACTS	Votes made public
Written procedure completed on 12 January 1999 Council Regulation amending Regulation (EC) No 1950/97 imposing a definitive anti-dumping duty on imports of sacks and bags made of polyethylene or polypropylene originating in India, Indonesia and Thailand and collecting definitively the provisional duty imposed 14335/98 + COR 1 (fin) 2156th Council meeting (Economic and Financial Questions), on 18 January 1999 Council act adopting the Financial Regulation applicable to the budget of Europol 10885/98 + COR 1 + COR 2 Council Decision amending Decision 94/942/CFSP on the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union, concerning the control of exports of dual-use goods 14325/98 Common position of the Council with a view to adopting a Directive on the charging of heavy goods vehicles for the use of certain infrastructures 13651/98 + REV 1 (fin) + REV 2 (s) 2157th Council meeting (Agriculture), on 19 January 1999 Council Resolution on the Consumer Dimension of the Information Society 12900/98 + REV 1 (dk,s) 2158th Council meeting (General Affairs), on 25 January 1999 Council Regulation amending Regulation (EC, Euratom, ECSC) No 840/95 amending Regulation (EEC, Euratom, ECSC) No 2290/77 determining the emoluments of the members of the Court of Auditors 12812/98 Council Regulation amending Regulation (EC) No 1901/98 concerning a ban on flights of Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community 5384/99 Council Decision concerning the extension of Joint Action 98/375/CFSP with regard to the nomination of an EU Special Representative for the Federal Republic of Yugoslavia 5328/99	

JANUARY 1999	
OTHER ACTS	Votes made public
Common position defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Afghanistan 5309/99 + COR 1 (en) Council Decision on the implementation of Joint Action 97/288/CFSP concerning the financing of a communication system to all members of the Nuclear Suppliers Group which are not Member States of the European Union 5331/99 Common position with a view to the adoption of a Council Regulation laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms 5240/99 + ADD 1 Council Decision concerning the conclusion of the Framework Cooperation Agreement leading ultimately to the establishment of a political and economic association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part 7885/96 Council Decision concerning the external auditors of the national central banks 5097/99 Council Regulation imposing definitive anti-dumping duties on imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting the provisional duties imposed 5138/99 Council Regulation (EC) amending Regulation (EC) No 1015/94 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan 5141/99 Council Regulation (EC) extending the definitive anti-dumping duty, imposed by Regulation (EC) No 1006/95 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China to imports of certain disposable refillable pocket flint lighters originating in the People's Republic of China or consigned from or originating in Taiwan and to imports of non-refillable lighters consigned from or originating in Taiwan, and terminating the proceeding in respect of imports of non-refillable lighters consigned from Hong Kong and Macao 5177/99	

JANUARY 1999	
OTHER ACTS	Votes made public
Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, concerning public service broadcasting 13154/98	
