



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 20 February 2004 (24.02)
(OR. fr)**

6487/04

PUBLIC 1

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
JANUARY 2004

This document gives:

- in **Annex I**, a summary of legislative acts finally adopted by the Council in January 2004. This is accompanied by any statements for the minutes which may be released to the public (**Annex II**). The list also shows any opposing votes and abstentions, voting explanations and voting rules applicable.
- in **Annex III**, a list of other acts ¹ adopted by the Council in January 2004, 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.

JANUARY 2004			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2557th Council meeting (Economic and Financial Affairs) on 20 January 2004			
Council Regulation on the control of concentrations between undertakings ("The EC Merger Regulation")	15448/03 + COR 1 (fr,it,en,da,el,es,pt,fi) + COR 2 (fr,en) + COR 3 (es) + REV 1 (fi)	1/04, 2/04	Unanimity
Proposal for a Council Directive amending Directive 77/388/EEC concerning the common system of value added tax, as regards conferment of implementing powers and the procedure for adopting derogations	16306/03 + REV 1 (el)	3/04, 4/04	Unanimity
Directive of the European Parliament and of the Council on the inspection and verification of good laboratory practice (GLP)	PE-CONS 3653/03 + COR 1		Qualified majority

JANUARY 2004			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances	PE-CONS 3654/03 + COR 1 + COR 2 (sv)		Qualified majority
Directive of the European Parliament and of the Council amending Council Directive 92/24/EEC relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles	PE-CONS 3684/03 + COR 1		Qualified majority
2558th Council meeting (General Affairs and External Relations) on 26 January 2004			
Council Decision establishing a Community action programme to promote active European citizenship (civic participation)	16294/03 + COR 1 (es)		Unanimity
Directive 2004/8/EC of the European Parliament and of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC	PE-CONS 3608/04		Qualified majority

JANUARY 2004			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste	PE-CONS 3697/03 + COR 1 (en,sv) + COR 2 (de) + COR 3 (pt) + REV 1 (fi)	5/04, 6/04	AT, NL against Qualified majority
Regulation of the European Parliament and of the Council establishing common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91	PE-CONS 3676/03 + COR 1 (da,pt) + COR 2 (de,da,en,es,fi,fr,el,it,nl,pt,sv) + COR 3 (fi) + COR 4 (fr) + COR 5 (fi)	7/04	IE, UK against DE abstention Qualified majority
Decision of the European Parliament and of the Council concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol	PE-CONS 3685/03 + COR 1 (pt)		Qualified majority

STATEMENT 1/04**Joint statement by the Council and the Commission on the Advisory Committee**

"The Council and the Commission attach particular importance to the advice that the competent authorities of the Member States provide in the assessment of concentrations under the Merger Regulation. In second phase proceedings in particular, those authorities are convened in the Advisory Committee on concentrations which delivers an opinion on draft decisions of the Commission. The Council and the Commission recognise that the time period set out in Article 19(5) provides for the Advisory Committee to carry out a thorough assessment of a draft decision, having had regard to the most important documents in the case, for the purposes of delivering its opinion. The Commission will explore ways in which to promote and strengthen further the role of the Advisory Committee, composed of the competent authorities, throughout the merger decision process. Having consulted the national competition authorities, the Commission will consider issuing a Notice on the enhancement of the role and functioning of the Advisory Committee."

STATEMENT 2/04

Joint statement by the Council and the Commission on Article 2

"The Council and Commission agree that the notion of 'significant impediment to effective competition' in Article 2(2) and (3) of this Regulation should be interpreted in the light of the objectives of this Regulation as referred to in Article 2(1) and in the recitals to the Regulation, in particular Recital 25."

STATEMENT 3/04

Statement by the Irish, United Kingdom, Luxembourg, Spanish and Swedish delegations

"The agreement of Ireland, the United Kingdom, Luxembourg, Spain and Sweden to the introduction of implementing measures under Article 29a is on the basis that these measures are adopted unanimously."

STATEMENT 4/04

Statement by the Council and the Commission

"The Council and the Commission recall the following Council and Commission statements entered in the minutes of the Council on 17 May 1977 when the 6th VAT Directive (Directive 77/388/CEE) was adopted and state that they are still applicable:

'Re Article 27

The Council and the Commission state that the provisions of this Article also apply to agreements between Member States concerning the measures referred to in the Article.

The Council and the Commission agree that the measures for the prevention of fraud or tax avoidance or for simplification, referred to in Article 27, may take various forms.

They may consist, for example, of a suspension of tax at one or several stages at which the tax, had it been levied, would have given rise to total deduction in the case of the purchaser and customer, or of provisions designed to prevent a reduction, considered by the Member States to be unjustified, in the taxable amount.

Re Article 30

The Council interprets the provisions of this Article as meaning that the Member State should bring the matter to the attention of the Commission before the agreement produces its full legal consequences."

STATEMENT 5/04

Statement by the Council, the Commission and the European Parliament

"Noting the European Court of Justice's interpretation of the recovery definition in Judgments C-458/00, C-228/00 and C-116/01, and the effects of this interpretation on the fulfilment of recovery targets, the European Parliament, the Council and the Commission declare their common intention to review this issue at the earliest opportunity.

In the light of the concerns which have been expressed, the Commission states its intention to propose amendments, as appropriate, to the relevant legislation. The Council and the Parliament undertake to act expeditiously on any such proposal in accordance with their respective procedures.

This shall be without prejudice to any future revision of the definition of recovery in the framework of the Thematic Strategy on Waste Prevention and Recycling and, as appropriate, in the framework of horizontal waste legislation."

STATEMENT 6/04

Statement by the Netherlands delegation

"Although the codecision period has now come to an end, the Netherlands continues to take the view that the recycling percentages and the time scale in the proposal amending the Directive in force are still not sufficiently ambitious.

For that reason, the Netherlands feels obliged to vote against the proposal."

STATEMENT 7/04

Statement by the Commission

"The Commission recalls its intention to promote voluntary agreements or to make proposals to extend Community measures of passenger protection to other modes of transport than air, notably rail and maritime navigation."

JANUARY 2004	
OTHER ACTS	Votes made public
Written procedure completed on 7 January 2004 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 limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC 14780/03 + COR 1 (en) + COR 2 (sv) + REV 1 (fi) + ADD 1 Written procedure completed on 9 January 2004 Council Common Position concerning the imposition of an embargo on arms, munitions and military equipment on Sudan 16297/03 + COR 1 Written procedure completed on 13 January 2004 Council Regulation imposing a definitive countervailing duty on imports of cotton-type bed linen originating in India 16202/03 Land transport – Ecopoints • Council agreement on the adoption of the negotiation mandates and the Council Decisions mentioned under point 2 of communication No 54/2/04 REV 2 of 9 January 2004 5100/04, 5102/04, 5103/04, 5104/04	EL abstention AT, UK abstention

JANUARY 2004	
OTHER ACTS	Votes made public
2557th Council meeting (Economic and Financial Affairs) on 20 January 2004 Council Decision on the conclusion of the Agreement between the European Community and Malta on conformity assessment and acceptance of industrial products (ACAA) 9811/03 Council Opinion on the updated Convergence Programme of Denmark 5477/04 Council Opinion on the updated Stability Programme of Austria 5478/04 Council Opinion on the updated Stability Programme of Finland 5479/04 Council Opinion on the updated Convergence Programme of Sweden 5480/04 2558th Council meeting (General Affairs and External Relations) on 26 January 2004 Council Common Position concerning conflict prevention, management and resolution in Africa and repealing Common Position 2001/374/CFSP 5267/04, 5268/04 Council Regulation concerning certain restrictive measures in respect of Sudan 5404/04 + ADD 1 + ADD 1 REV 1 (en) + ADD 1 REV 2 (de,el,nl,sv), 5405/04 + COR 1 (en) Council Joint Action appointing the European Union Special Representative in the Former Yugoslav Republic of Macedonia and amending Joint Action 2003/870/CFSP 5365/04	

JANUARY 2004	
OTHER ACTS	Votes made public
Council Joint Action amending Joint Action 2003/681/CFSP on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL "Proxima") 5453/04 Council Regulation on the conclusion of an Agreement in the form of an Exchange of Letters extending for the period 1 July 2003 to 30 June 2004 the validity of the Protocol setting fishing opportunities and a financial contribution as provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire 13970/03 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 coordination of social security systems 15577/03 + COR 1 (es) + COR 2 (pt) + COR 3 (fr,de,en,da,es,pt), + REV 1 (it) + REV 1 COR 1 (it) + REV 2 (fi) + REV 3 (nl) + REV 3 COR 1 (nl) + REV 3 COR 2 (nl) + REV 4 (el) + REV 5 (sv) + ADD 1	
