



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 28 February 2003 (05.03)
(OR. fr)**

6866/03

PUBLIC 1

TRANSPARENCY

Objet : MONTHLY SUMMARY OF COUNCIL ACTS
JANUARY 2003

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in January 2003. This is accompanied by statements in the minutes which the Council decided to make public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rule applicable;
- in **Annex III**, a list of the other acts¹ adopted by the Council in January 2003, 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 "Transparency", "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 service ("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.

JANUARY 2003			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
2480th Council meeting (Economic and Financial Affairs) on 21 January 2003			
Council Decision extending the application of Decision 2001/91/EC authorising the Kingdom of Denmark and the Kingdom of Sweden to apply a measure derogating from Article 17 of the Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	15300/02 + COR 1 (da)		Unanimity
Council Regulation suspending import duties on certain weapons and military equipment	5140/03 + COR 1 (fi) + REV 1 (el)	1/03, 2/03, 3/03, 4/03, 5/03	F, EL P against Qualified majority
2481st Council meeting (Agriculture and Fisheries) on 27 and 28 January 2003			
Directive of the European Parliament and of the Council amending for the seventh time Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products	PE-CONS 3668/02 + REV 1 (sv) + COR 1 (da)	6/03, 7/03	F against Qualified majority
Council Decision concerning protection measures relating to Newcastle disease in the United States of America and modifying Decisions 94/984/EC, 96/482/EC, 97/221/EC, 2000/572/EC, 2000/585/EC, 2000/609/EC and 2001/751/EC of the Commission	5394/03	8/03	Qualified majority

JANUARY 2003			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTES AND VOTING RULE
2482nd Council (General Affairs and External Relations) 27 January 2003 Council Directive to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes Council Directive laying down minimum standards for the reception of asylum seekers in Member States Framework Decision on the protection of the environment through criminal law	13385/02 + COR 1 (fr) + COR 2 (es) + COR 3 (en,fi,el,it,nl) + COR 4 (da) + COR 5 (de) + COR 6 (de) + REV 1 (pt,sv) 15398/02 + COR 1 (da) + COR 2 13421/02 + COR 1 (de) + COR 2	9/03, 10/03 11/03, 12/03, 13/03, 14/03 15/03, 16/03, 17/03	Unanimity Unanimity Unanimity

STATEMENT 1/03

Joint Statement by the Council and the Commission on audit and control

"The Council and the Commission recall the need to respect Member States' national security interests and the right to invoke confidentiality provisions where justified.

To this end, Member States will, in accordance with national provisions, ensure regular and proper monitoring and auditing of the application of this Regulation. The outcome of these audits will be reported to the Commission at least once every six years. Such auditing and the resulting reports shall be made by auditors who are in no way restricted by, under instruction from or subject to approval from third parties.

The Council and the Commission agree that this approach will limit the Commission's need to monitor the application of this Regulation by on-the-spot checks."

STATEMENT 2/03

Commission Statement on future adaptations of Annexes I and 2

"The Commission declares that it will review regularly the list of products in Annex 1 and 2 and it will determine the need for adaptations under the relevant provisions of Article 26 and 27 of the Treaty."

STATEMENT 3/03

Commission statement on processing under customs control for private companies producing weapons or military materials which can be imported duty free

"The Commission declares that it will proceed to an amendment of Annex 76 part A of Commission Regulation (EEC) No 2454/93. This will enable customs authorities in the Member States to authorise private companies to place imported materials, parts and components for the manufacture, repair, refurbishment or maintenance of weapons or military materials under customs procedure "processing under customs control" without prior examination of the economic conditions in accordance with Article 552 of Commission Regulation (EEC) No 2454/93. The processed products will then be released for free circulation under suspension of import duties according to this Regulation."

STATEMENT 4/03

Statement by the Greek, Italian and Portuguese delegations on Article 2

"The Greek, Italian and Portuguese delegations consider that paragraph 1 of Article 2 should also apply to other forces accomplishing tasks identical to those fulfilled by military forces."

STATEMENT 5/03

Statement by the Swedish delegation on the legal basis of the Regulation

"The Swedish delegation is of the opinion that application of Art. 296 of the Treaty is the correct legal basis but, taking into account that a number of Member States are in a position to accept the present Regulation on the basis of Art. 26 of the Treaty, it can agree to this – on two presumptions:

- Member States' national security interests and, where justified, the right to invoke confidentiality provisions must be respected. This concern is covered by the Joint Statement of the Council and the Commission related hereto;
- it is assumed that by accepting this Council Regulation, solutions will be found simultaneously to the parallel issues of the infringement proceedings and retroactivity."

STATEMENT 6/03

Statement by the Netherlands, German and Austrian delegations

"Current existing national animal testing bans will remain in force regardless of the respective provisions of this directive."

STATEMENT 7/03

Statement by the French delegation

The seventh amendment of Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products includes provisions that are important for the protection of public health.

However, the timetable established for the prohibition of testing on animals and trade in products so tested does not offer any guarantee of future product safety.

The six-year deadline set for the prohibition of testing on animals and for the marketing of the cosmetic products concerned is not consistent with the ECVAM's European scientific forecasts.

In order to protect consumers, it will be the Commission's task under the new Article 4a to study the technical difficulties encountered in the development and validation of methods providing an alternative to animal testing. It must consider the consequences and submit the necessary proposals.

France regrets that the balance between consumer protection, animal welfare and the competitiveness of European industry has not been preserved. The provisions adopted in the seventh amendment will by their nature impede innovation. Furthermore, they raise a problem of compatibility with WTO rules on trade in products tested on animals in third countries.

STATEMENT 8/03

Joint Statement by the Council and the Commission

"In adopting this Decision, designed to limit measures restricting trade in live poultry and in poultry products to [California, Nevada and Arizona], the Council and the Commission are giving effect to the European Union's desire to apply the regionalisation provided for in the Veterinary Agreement between the European Community and the United States of America, even though the USA has not yet acted on that part of the Agreement.

The Council and the Commission therefore urge the USA to speed up the actual implementation, with regard to the EU, of the country's obligations under the SPS Agreement, as explicitly fleshed out in the Veterinary Agreement."

STATEMENT 9/03

Statement by the Member States regarding Article 3 (pre-litigation advice)

"When transposing the Directive to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, Member States may provide that pre-litigation advice is guaranteed through existing national authorities or services that facilitate access to justice."

STATEMENT 10/03

Statement by Belgium

"Belgium notes that this instrument is of particular importance to citizens because it opens the way to better access to legal aid in cross-border disputes. The instrument must therefore meet a growing need in an ever more integrated Europe.

While Belgium considers that this instrument reflects the compromise which is currently possible between the fifteen Member States, it nevertheless regrets that, primarily for budgetary reasons, the compromise could not be more ambitious.

Belgium hopes that it will be possible to supplement this Directive and grant more extensive rights to the most vulnerable citizens as soon as circumstances permit."

STATEMENT 11/03

Re Article 2

"The Council and the Commission state that after the entry into force of the future Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status, the Council, acting on a proposal from the Commission, shall examine the provisions of Article 2 (e) and (f) and adapt them as necessary in full compliance with the Treaty."

STATEMENT 12/03

Re Article 3

"The Council notes that Austria may regard, for all legal and practical purposes in connection with asylum matters, nationals of the candidate countries as equal to EU citizens."

STATEMENT 13/03

Re Article 9

"The Council states that questions concerning medical screening to determine the age of minors will be considered in the process of preparing the Directive on the procedures for granting or withdrawing of refugee status."

STATEMENT 14/03

Re Article 16

"In relation to the application of Article 16 (2) and (4), the Council confirms that Member States will in all cases:

- comply with their international obligations on human dignity, including the European Convention on Human Rights, and in particular the obligations under Article 3 to ensure that no one is subject to inhuman or degrading treatment;
- take account of the situation of the person concerned, and in particular the general principle provided for in Article 17 regarding the specific situation of vulnerable persons in providing access to material benefits including food and housing;
- ensure that as a minimum access to emergency healthcare is guaranteed under all circumstances."

STATEMENT 15/03

Statement by the United Kingdom

"The United Kingdom believes that the draft Framework Decision should be interpreted in line with the explanatory guidance to the 1998 Council of Europe Convention on the Protection of the Environment through Criminal Law."

STATEMENT 16/03

Statement by Belgium and the Netherlands

"Belgium and the Netherlands can accept the draft Framework Decision on the protection of the environment through criminal law, but reserve the right at a later stage, if the Commission proposals on the basis of Article 175(1) of EC Treaty are still being considered, to support certain elements of those proposals."

STATEMENT 17/03

Statement by the Commission

"The Commission takes the view that the Framework Decision is not the appropriate legal instrument by which to require Member States to introduce sanctions of a criminal nature at national level in the case of offences detrimental to the environment.

As the Commission pointed out on several occasions within Council bodies, it considers that in the context of the competences conferred on it for the purpose of attaining the objectives stated in Article 2 of the Treaty establishing the European Community, the Community is competent to require the Member States to impose sanctions at national level – including criminal sanctions if appropriate – where that proves necessary in order to attain a Community objective.

This is the case for environmental matters which are the subject of Title XIX of the Treaty establishing the European Community.

Furthermore, the Commission points out that its proposal for a Directive on the protection of the environment through criminal law has not been appropriately examined under the codecision procedure.

If the Council adopts the Framework Decision despite this Community competence, the Commission reserves all the rights conferred on it by the Treaty."

JANUARY 2003	
OTHER ACTS	Votes made public
Written procedure completed on 24 January 2003	
Council Decision amending Council Decision 2001/131/EC concluding the consultation procedure with Haiti under Article 96 of the ACP-EC Partnership Agreement 15554/02	
2480th Council meeting (Economic and Financial Affairs) on 21 January 2003	
Council Regulation amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries 11570/02	
Council Decision suspending the Community obligations under the Sectoral Annex for Electrical Safety of the Agreement on Mutual Recognition between the European Community and the United States of America 14926/02 + COR 1 (pt)	
Steel products/CCEE Council Regulations concerning the export of certain steel products from certain countries to the Community for the period from the date of entry into force of these Regulations to the date of accession of those countries to the European Union (extension of the double-checking system) 15164/02, 15165/02, 15162/02, 15163/02	
Common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council on computerising the movement and surveillance of excisable products 15291/02 + COR 1 + ADD 1 + ADD 1 COR 1	

JANUARY 2003	
<u>OTHER ACTS</u>	Votes made public
Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending, for the twenty-fifth time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction – c/m/r) 15703/02 + COR 1 (da) + REV 1 (fi) + ADD 1 2482nd Council meeting (General Affairs and External Relations) on 27 January 2003 Council Regulation amending the anti-dumping measures imposed by Regulation (EC) No 495/98 and by Regulation (EC) No 2413/95 on imports of ferro-silico-manganese originating in the People's Republic of China and Ukraine 5126/03 Council Regulation amending the anti-dumping measures imposed by Council Regulation (EC) No 299/2001 on imports of potassium permanganate originating in the People's Republic of China 5153/03 Council Regulation amending the anti-dumping measures imposed by Council Regulation (EC) No 1603/2000 on imports of ethanolamines originating in the United States of America 5159/03 Council Regulation amending the anti-dumping measures imposed by Council Regulation (EC) No 1824/2001 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China and Taiwan 5169/03 Council Regulation imposing a definitive anti-dumping duty on imports of certain grain oriented electrical sheets originating in Russia 5202/03	

JANUARY 2003	
OTHER ACTS	Votes made public
• Council Decision on the conclusion of a Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) 15383/02 • Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) 11467/02 + COR 1 + COR 2 (fi) + ADD 1 Council Regulation repealing Regulation (EC) No 1705/98 regarding the interruption of certain economic relations with Angola in connection with the activities of the "União Nacional para a Independência Total de Angola" (UNITA) 5273/03 Council Regulation concerning certain restrictive measures in respect of Somalia 15464/02 + COR 1 (fi) Council Regulation amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology 15705/02 Council Joint Action on the European Union Military Operation in the Former Yugoslav Republic of Macedonia 5794/03	

=====