



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

PUBLIC 2

TRANSPARENCY

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
FEBRUARY 2001

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in February 2001. It 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 voting, and the voting rule applicable.

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://www.eudor.com> – see "Transparency of the Council's legislative activities").

- in **Annex III**, a list of the other acts ¹ adopted by the Council in February 2001, with a reference, where appropriate, to voting results, explanations of voting and statements which the Council has decided to make public.

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.

FEBRUARY 2001			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/ EXPLANATIONS OF VOTE AND VOTING RULE
2329th Council (Economic and Financial Questions) on 12 February 2001 Directive of the European Parliament and of the Council amending Council Directive 91/68/EC as regards scrapie	PE-CONS 3606/01		Qualified majority
2330th Council (Education/Youth Affairs) on 12 February 2001 Decision of the European Parliament and of the Council concerning a set of actions relating to the trans-European network for the collection, production and dissemination of statistics on the trading of goods within the Community and between the Community and non-member countries (Edicom)	PE-CONS 3604/01		Qualified majority
Regulation of the European Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)	PE-CONS 3658/00 + REV 2 (de) + COR 1 (fr,de,it,nl,en,el,es,pt,fi,sv) + COR 2 (fi) + COR 3 (da) + COR 4 (fi) + REV 3 (it)	7/01, 8/01	Qualified majority

FEBRUARY 2001			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Adoption of legislative acts following the European Parliament's second reading under the codecision procedure Proposal for a Directive of the European Parliament and of the Council on the interoperability of the trans-European conventional railway system (13.2.2001) Written procedure completed on 14 February 2001 Council Regulation establishing measures to be applied in 2001 for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) Written procedure completed on 15 February 2001 Directive of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC	6094/01 PE-CONS 3612/01 5369/01 + COR 1 + COR 2 (es,fi,fr,pt,sv) PE-CONS 3664/00	9/01, 10/01, 11/01, 12/01, 13/01, 14/01, 15/01, 16/01	Qualified majority Qualified majority Abstention F/I Qualified majority

FEBRUARY 2001			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/ EXPLANATIONS OF VOTE AND VOTING RULE
Adoption of legislative acts following the European Parliament's second reading under the codecision procedure Directive of the European Parliament and of the Council on the reorganisation and winding up of insurance undertakings (15.2.2001) 2332nd Council (Agriculture) on 26 February 2001 Directive of the European Parliament and of the Council amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use	6102/01 PE-CONS 3613/01 PE-CONS 3663/1/00 REV 1 + REV 1 COR 1 (fi) + REV 2 (pt) PE-CONS 3605/01 + COR 1 (fi) + COR 2 (nl) + COR 3 (pt)	17/01, 18/01, 19/01 20/01, 21/01, 22/01	Qualified majority Qualified majority NL against Qualified majority

STATEMENT 7/01

STATEMENT BY THE GERMAN DELEGATION CONCERNING AMENDMENT 13

"The Federal German Government assumes that the guidance to be given by the Commission on the basis of the compromise now reached on Article 3(3)(b) (European Parliament amendments 13, 38 and 46) will indeed relieve the burden on the small enterprises and organisations referred to in the Regulation. In particular, Germany assumes that the exceptions will not be confined solely or principally to micro-enterprises and that the conditions for exceptions to annual validation will be such that small organisations and enterprises with a low environmental impact are as a rule covered by the exceptions."

DECLARATION 8/01

STATEMENT BY THE AUSTRIAN DELEGATION

"Austria states that it will act on guidance adopted in accordance with the procedure laid down in Article 14 only where it relates to an obligation and is confined solely to fulfilment of that obligation. In particular, Austria will act on such guidance only if it does not conflict with or restrict the Articles of the Regulation or Annex V thereto.

Moreover, Austria will act on such guidance only if the advice and prescriptions which it contains are consistent with all the provisions of the Regulation, in particular the Articles and Annex V."

DECLARATION 9/01

COMMISSION STATEMENT

Re Article 32

"The Commission notes the agreement of the co-legislators relating to recital 13 and Article 32, on the basis of Amendments 1 and 28, in particular concerning the date by which a proposal should be presented for the implementation of the Cartagena Protocol and the content of any such proposal.

In the respect of its right of initiative, the Commission states that it cannot accept to be bound by the provisions of this article neither as to timing nor as to the content of a future proposal.

The Commission does however confirm its commitment, after a comprehensive examination of all the potential implications, to presenting a proposal with a view to full implementation of the Cartagena Protocol."

STATEMENT 10/01

STATEMENT BY THE COMMISSION

Re Amendment 35

"With a view to facilitating the obligation of Member States to take the necessary measures to ensure traceability and labelling at all the stages of the placing on the market of GMOs authorised in accordance with Part C of a revised Directive 90/220/EEC, the Commission reaffirms its intention to present in the course of 2001 appropriate proposals for this purpose.

In addition, the Commission at the same time having regard to the results of the meeting with the experts of the Member States on 29 November 2000, affirms its intention to present proposals aiming to provide appropriate traceability for products derived from GMOs, as well as to supplement the labelling regime in accordance with the White Paper on Food Safety."

STATEMENT 11/01

STATEMENT BY THE ITALIAN DELEGATION

"In noting the agreement reached in the framework of the conciliation procedure for the revision of Directive 90/220, the Italian delegation would stress that the substantial grounds which led Italy to abstain from the political agreement reached by a qualified majority of the Environment Council of 24 June 1999 still remain. The main reason was failure to submit complete draft provisions to guarantee labelling and the traceability of GMOs and products derived therefrom."

STATEMENT 12/01

STATEMENT BY THE DANISH, GREEK, FRENCH, ITALIAN, AUSTRIAN AND LUXEMBOURG DELEGATIONS

"Having regard to the principle of prevention and precaution, the delegations of the following Member States: Denmark, Greece, France, Italy, Austria and Luxembourg

- reaffirm the need to introduce a more rigorous, transparent and comprehensive framework concerning risk assessment and risk management (taking account of the specific characteristics of European eco-systems), monitoring, traceability and labelling of GMOs and to generally restore the confidence of the public and of operators;
- note that the amended provisions of Directive 90/220/EEC significantly but only partially improve the existing arrangements and emphasise the essential improvements made concerning transparency, public access to information, regional biological monitoring of the countryside, gradual elimination of antibiotic resistance markers, legal certainty and ratification of the Carthagena Protocol;
- ask the Commission to follow up its commitment concerning the early submission of comprehensive legislative proposals on GMO traceability and labelling, environmental liability and ratification of the Carthagena Protocol.

Accordingly, the above delegations

- reaffirm their intention, when exercising the powers conferred upon them, of ensuring that the new authorisations for cultivating and marketing GMOs are suspended pending the adoption of effective provisions concerning a complete traceability of GMOs that guarantees reliable labelling of all GMO products;
- call on the Commission to make rapid progress towards the establishment of a system of environmental liability to supplement the regulatory framework necessary for development in the field of biotechnologies, as in other environmental fields."

STATEMENT 13/01

STATEMENT BY THE UNITED KINGDOM DELEGATION

"The United Kingdom notes the agreement reached in relation to recital 16, and records its understanding that the first sentence of the recital refers only to environmental liability in relation to activities within the scope of this Directive. The United Kingdom recalls to this effect the statement made by the United Kingdom and other delegations in the minutes of the Council Meeting of 24-25 June 1999."

STATEMENT 14/01

STATEMENT BY AUSTRIA, GERMANY, BELGIUM, LUXEMBOURG, FRANCE IRELAND AND SPAIN

"In view of the fact that in connection with the implementation of the new Directive consistent measures for ensuring traceability, labelling and monitoring of GMOs and GMO-Products are of the highest importance, Austria, Germany, Belgium, Luxembourg, France, Ireland and Spain call on the Commission,

- (1) to continue effectively and to conclude in due time the work already initiated concerning the necessary instruments for effective traceability systems, for the assignment of a unique identifier to GMOs and for clear, consistent and coherent labelling of GMOs and products derived from GMOs (including feeding stuffs)
- (2) to come forward as soon as possible with a proposal for guidance notes to supplement Annex VII of the Directive concerning plans for monitoring the effects of GMOs."

STATEMENT 15/01

STATEMENT BY DENMARK, AUSTRIA, FRANCE, BELGIUM, GERMANY AND SPAIN

"As stated during the conciliation procedure, Parts A and D of the Directive of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC also apply to GMOs covered by sectoral legislation. Part B also applies to GMOs covered by such legislation, unless they are exempt by virtue of Article 5. These delegations agree with the opinion expressed and note that the opinion is undisputed in the Council and by the Commission."

STATEMENT 16/01

STATEMENT BY IRELAND

"The effectiveness of the public participation provisions in the new Directive is a critically important issue. As well as contributing to greater transparency, these provisions are significant in building public confidence in the whole regulatory process. The regulation of genetically modified organisms is unavoidably complex. Therefore, in order to facilitate effective public participation in the processing of individual notifications, appropriate EU guidelines to inform and reassure the general public on relevant regulatory and procedural matters should be developed by the Commission and made available as soon as possible."

STATEMENT 17/01

STATEMENT BY THE COMMISSION

"The Commission underlines that studies will be made, and reports – and if need be legislative proposals – presented, subject to the availability of the necessary resources."

STATEMENT 18/01

STATEMENT BY THE COMMISSION

"The question of recognition of diplomas, certificates and other evidence of former qualifications obtained outside the European Union arises only in the case of a fairly small number of Community nationals. The Treaty does not in fact lay down any legal basis for the purpose of facilitating the recognition of diplomas, certificates and other evidence of former qualifications obtained by nationals of third countries.

The question of recognition of qualifications obtained in third countries has already been discussed within the committees of representatives of the national authorities responsible for implementing the mutual recognition of diplomas.

The Court of Justice of the European Communities has just determined new principles which must be applied by the Member States in this context (see judgment of 14.9.2000 in case C-238/98 Hoczman).

The Commission will identify the situations which have not yet been resolved and will propose, if necessary, appropriate solutions in its future proposals."

STATEMENT 19/01

JOINT STATEMENT BY THE PARLIAMENT/COUNCIL/COMMISSION

"The European Parliament, the Council and the Commission share the opinion that it is important to have consolidated versions, easily accessible to everyone, of the legal texts applicable in the field of mutual recognition of professional qualifications.

For this purpose, much codification work has been done through the adoption of Council Directive 93/16/EEC (free movement of doctors) and Directive 1999/42/CE of the European Parliament and of the Council (third general system). Furthermore, the Commission has made available to users the User's Guide to the general system for the recognition of professional qualifications.

The Commission intends to pursue this effort in two stages: initially it plans to integrate the sectoral Directives into a consolidated framework. The Commission will then examine the possibility of consolidating the Directives relating to the general system, in order to continue simplifying the legislation and further facilitate the free provision of services with regard to the conclusions of the Lisbon Summit.

The Commission will also examine developments in the specific training of general practitioners in Member States and the extent of the problems which would arise from differences in duration and training. If a need is felt, the Commission will present subsequent proposals for coordination in this respect.

The Commission will present the results of its work at the latest in 2003.

The European Parliament and the Council note the intentions of the Commission, which will keep them informed on progress made."

STATEMENT 20/01

Re Article 9

"The Netherlands delegation states that the Ethics Committees are independent bodies under the Netherlands' administrative law. In accordance with Article 9 of the Directive, the sponsor may not start a clinical trial if an Ethics Committee has issued an unfavourable opinion. The competent body is not authorised to invalidate this decision.

In the light of the Netherlands' administrative appeals system, Article 9 involves the possibility of an appeal against the decision of the Ethics Committee (see 8230/00 (Annex II))."

STATEMENT 21/01

Re Article 9(5)

"The German delegation is assuming that in Article 9(5), in the phrase "or the manufacturing of which requires such components", the relative pronoun "which" refers to "active ingredient or active ingredients"."

STATEMENT 22/01

Legal basis, Article 5(i) and Article 9(6)

"The Netherlands delegation states that it will vote against the Directive in connection with the incorrect legal basis adopted for it. The provisions of the Directive relating to the substantive, legal and ethical criteria governing whether or not clinical trials should be permitted cannot be based on Treaty Article 95. These criteria in no way refer to the abolition of trade barriers with a view to completion of the internal market.

The Netherlands delegation will also vote against the Directive since Article 5(i) makes it impossible for clinical trials to be conducted with adult patients incompetent to act for themselves, inasmuch as there must be no attendant risk if the condition that the expected benefit to the person involved is great enough to make the risks acceptable cannot be met. While the Netherlands considers that trials which are of no benefit to the person concerned must be viewed with the greatest possible reserve, there are conceivable circumstances in which comparative investigation, such as clinical trials with medicinal products for treating Alzheimer's disease, is essential. In the Netherlands' view, the Council of Europe Convention on Human Rights and Biomedicine makes the necessary subtle distinction regarding this point, unlike the Directive.

The Netherlands delegation will also vote against the Directive since its Article 9(6) may hamper any clinically and ethically justified future developments in the field of germ-line gene therapy.

At the same time, the Netherlands delegation is objecting to the lack of procedural diligence with which the Council handled this Directive, after adoption of the common position."

FEBRUARY 2001	
OTHER ACTS	Votes made public
2329th Council meeting (Economic and Financial Questions) on 12 February 2001	
Council Regulation extending the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius – civil) 14072/00 + COR 1 + COR 2	
Council Regulation imposing a definitive anti-dumping duty on imports of potassium permanganate originating in the People's Republic of China 5566/01	
Council Regulation amending Regulation (EC) No 2450/98 imposing a definitive countervailing duty on imports of stainless steel bars originating in India 14790/00	
Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and Directives 70/524/EEC, 96/25/EC and 1999/29/EC on animal nutrition 13724/00	
Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on general product safety 14614/00 + COR 1 + COR 2 (es)	
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 programme of Community action to encourage cooperation between Member States to combat social exclusion 13740/00 + COR 1 (nl) + COR 2 (pt) + COR 3	

FEBRUARY 2001	
OTHER ACTS	Votes made public
• Council Recommendation with a view to ending the inconsistency with the broad guidelines of the economic policies in Ireland • Council Decision making public the Recommendation with a view to ending the inconsistency with the broad guidelines of the economic policies in Ireland 5875/01 Council Opinion on the updated convergence programme for the United Kingdom 1999/2000 to 2005/2006 6145/01 Council Opinion on the updated convergence programme of Denmark, 2000-2005 6146/01 Council Opinion on the updated stability programme of Italy, 2002-2004 6147/01 Council Opinion on the updated stability programme of France, 2002-2004 6148/01 Council Opinion on the stability programme of Greece, 2000-2004 6149/01 Council Opinion on the updated stability programme of Austria, 2000-2004 6150/01 Council Opinion on the 2000 update of Ireland's stability programme, 2001-2003 6151/01	

FEBRUARY 2001	
OTHER ACTS	Votes made public
2330th Council (Education/Youth Affairs) on 12 February 2001	
Council Resolution on the application of national fixed book-price systems 13981/00	
Council Resolution on architectural quality in urban and rural environments 13982/00	
Council Resolution on national aid to the film and audiovisual industries 13980/00 + COR 1 (sv) + COR 2 (pt) + COR 3 (fr) + COR 4 (de,da,es,fr) + COR 5 (nl)	
Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies 14780/00 + COR 1 (fi)	
2331st Council (General Affairs) on 26 February 2001	
Council Regulation creating a rapid reaction mechanism 5711/01 + REV 1 (sv)	
Council Regulation concerning the implementation of projects promoting cooperation and commercial relations between the European Union and the industrialised countries of North America, the Far East and Australasia and repealing Regulation (EC) No 1035/1999 6075/01 + COR 1 (en) + COR 2 (fi)	
Council Common Position amending Common Position 2000/696/CFSP on the maintenance of specific restrictive measures directed against Mr Milosevic and persons associated with him and repealing Common Position 98/725/CFSP 6023/01 + COR 1 (fi)	
Council Common Position concerning additional restrictive measures against the Taliban and amending Common Position 96/746/CFSP 5822/01 + COR 1 (en) + COR 2 (de,el,fr,it)	

FEBRUARY 2001	
OTHER ACTS	Votes made public
Council Regulation concerning the conclusion of Agreements in the form of Exchanges of Letters between the European Community and the Republic of Bulgaria, the Republic of Hungary and Romania on reciprocal preferential trade concessions for certain wines and spirits, and amending Regulation (EC) No 933/95 14887/00 + COR 1 (el) + COR 2 (fr,fi) + COR 3 (de) + COR 4 (it) + COR 5 (en) + COR 6 (da) + COR 7 (es,pt) + COR 8 (sv) Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council on strengthening the capabilities of the European Union in the field of civil protection 14527/00 + REV 1 (fi) Council Regulation on assistance to Turkey in the framework of the pre-accession strategy, and in particular on the establishment of an Accession Partnership 5116/01 Council Decision on the signing, on behalf of the European Community, of an Agreement in the form of a Memorandum of Understanding between the European Community and the Democratic Socialist Republic of Sri Lanka on arrangements in the area of market access for textile and clothing products, and authorising its provisional application 5288/01 + COR 1 (pt) Council Regulation amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries 5678/01 Council Decision on the signing and the provisional application of the Agreement on trade in textile products between the European Community and Bosnia and Herzegovina, initialled in Brussels on 24 November 2000 5285/01 + COR 1 (pt)	

FEBRUARY 2001	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of an Agreement between the European Community and the United States of America renewing a programme of cooperation in higher education and vocational education and training 6286/01, 13381/00 + COR 1 (fi) + COR 2 (pt) + COR 3 (fr) + COR 4 (de) + COR 5 (nl) + COR 6 (es) + COR 7 (da) + COR 8 (it) + COR 9 (pt) + COR 10 (fr) + COR 11 (nl) + COR 12 (da) + REV 1 (sv) + REV 1 COR 1 (sv) Council Decision concerning the conclusion of an Agreement between the European Community and the Government of Canada renewing a cooperation programme in higher education and training 6288/01 + 13382/00 + COR 1 (fi) + COR 2 (it) + COR 3 (fr) Council Decision extending Decision 91/482/EEC on the association of the overseas countries and territories with the European Community 6197/01 Council Decision concerning the conclusion of the Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development 7617/99 and the Cooperation Agreement 7595/1/99 REV 1 + COR 1 (de) Council Regulation amending Regulation (EC) No 2820/98 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001 so as to extend duty-free access without any quantitative restrictions to products originating in the least developed countries 6333/1/01 REV 1	

FEBRUARY 2001	
OTHER ACTS	Votes made public
2332nd Council (Agriculture) on 26 February 2001	
Common Position adopted by the Council with a view to the adoption of	
a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution	
14644/00	
Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 2158/92 on protection of the Community's forests against fire	
14645/00	
Council Decision setting the terms for financial support to Guinea-Bissau in the fisheries sector	
8263/1/00 REV 1	
Council Regulation on the conclusion of the Protocol setting out for the period from 3 May 2000 to 2 May 2002 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola	
5136/01	
Council Regulation relating to the conclusion of the Protocol defining, for the period 3 December 1999 to 2 December 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius	
9211/00	
Council Regulation on the conclusion of the Protocol setting out the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period from 1 January 2000 to 31 December 2001	
5144/01	
Recommendation of the European Parliament and of the Council providing for minimum criteria for environmental inspections in the Member States	
PE-CONS 3603/01 + COR 1 (fi) + REV 1 (pt)	

FEBRUARY 2001	
OTHER ACTS	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 Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) 5179/01 + COR 1 (fi) Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Council Directive 94/57/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations 5178/01 + COR 1 (fi)	
