



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

PUBLIC 4

TRANSPARENCY

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
MARCH 1999

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in March 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://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 March 1999, with a reference, where appropriate, to voting results, explanations of voting and statements which the Council has decided to release to the public.

¹ With the exception of other acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

MARCH 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTING
2164th Council meeting (Labour and Social Affairs), on 9 March 1999 Council Regulation concerning structural statistics on earnings and on labour costs Council Decision on the reform of the Standing Committee on Employment and repealing Decision 70/532/EEC 2165th Council meeting (Environment), on 11 March 1999 Council Directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations 2165th Council meeting (General Affairs), on 22 March 1999 Council Directive amending Directives 70/524/EEC concerning additives in feedingstuffs, 82/471/EEC concerning certain products used in animal nutrition, 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition and 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector Council Regulation amending Regulation (EEC) No 2075/92 and fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 1999, 2000 and 2001 harvests	5085/99 + REV 1 (p) 6099/99 + COR 1 (s) 5724/99 + COR 1 (d) 6186/99 + COR 1 + COR 2 (fin) 6827/99	19/99, 20/99 21/99, 22/99	Against DK Against EL

MARCH 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTING
Council Regulation laying down detailed rules for the application of Article 93 of the EC Treaty (monitoring of State aid) 2169th Council meeting (Transport), on 29 March 1999 Council Regulation on a Community-fleet capacity policy to promote inland waterway transport Council Directive relating to the keeping of wild animals in zoos Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 2913/92 with regard to the external transit procedure 2170th Council meeting (Fisheries), on 30 March 1999 Council Decision authorising the French Republic 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, in accordance with Directive 92/81/EEC, certain Member States to apply and to continue to apply to certain mineral oils, reduced rates of excise duty or exemptions from excise duty, and amending Decision 97/425/EC	6018/1/99 REV 1 + REV 2 (f) + COR 2 (es) 6281/99 + COR 1 (fin) 6603/99 + COR 1 (fin) + COR 2 (fin) PE-CONS 3605/99 14369/98 14371/98	23/99, 24/99, 25/99, 26/99, 27/99, 28/99, 29/99, 30/99, 31/99, 32/99 33/99 34/99 35/99, 36/99	

MARCH 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTING
Council Regulation opening and providing for the administration of autonomous Community tariff quotas for certain fishery products	6927/99	37/99, 38/99, 39/99, 40/99	Against IRL, I

STATEMENT 19/99

Statement regarding the Employment Committee provided for in the future Article 130 of the (new) EC Treaty

"The Council notes that the reform of the Standing Committee on Employment is entirely without prejudice to the setting up of the Employment Committee provided for in the future Article 130 of the (new) EC Treaty which states that, in fulfilling its mandate, the said Committee consults management and labour."

STATEMENT 20/99

ad Article 2(3)

"The Council and the Commission state that, at the time of adoption of the present Decision, the following organisations meet the criteria set out in Article 2(3):

Employees' organisations

European Trade Union Confederation (ETUC)

Confédération européenne des cadres (CEC)

Eurocadres

Employers' organisations

Union of Industrial and Employers' Confederations of Europe (UNICE)

European Centre of Enterprises with Public Participation (CEEP)

European Association of Craft, Small and Medium-sized Enterprises (UEAPME)

Eurocommerce

COPA."

STATEMENT 21/99

Re Article 1:

"The Danish, German, French, Irish, Italian, Netherlands, Austrian, Swedish and United Kingdom delegations take the view that the Commission should investigate whether Community rules on conditions for the marketing of products containing VOCs for commercial and private use (e.g. by professional painters or for DIY) can be adopted to supplement this Directive, so that emissions of volatile organic compounds other than those from installations can also be reduced. In this context account should also be taken of the interests of processors of these products and of technical and economic feasibility, product quality requirements and climatic conditions."

STATEMENT 22/99

Re Annex IIA, sector 6:

"The Council invites the Commission to present, as an alternative for controlling sector 6 of Annex IIA to this Directive as a first step, its regulation through a product-based approach within the shortest possible time and consequently the adaptation or removal of this sector from the scope of this Directive."

STATEMENT 23/99

RE ARTICLE 1 (c) - ALTERATION OF EXISTING AID

"The Commission states that to be considered as new aid, alterations to existing aid must be susceptible to affect the evaluation of compatibility with the common market. It will provide further clarification on the interpretation of "alterations to existing aid" in implementing provisions. Such implementing provisions will in particular define under which conditions modifications to existing aid schemes will not be considered as substantial enough to constitute an alteration within the meaning of Article 93 (3) and therefore do not need to be notified to the Commission. In the meantime, the rules established in the letter of the Commission of 22.2.1994, modified by letter of 2.8.1995 and in the Community framework on State aid for research and development remain valid."

STATEMENT 24/99

RE ARTICLE (2) - COMPLETE NOTIFICATION

"As it has already done in the past in a number of areas, the Commission will continue to develop standard notification forms, in order to facilitate the preparation of complete notifications. It intends to make the use of these forms compulsory by the way of implementing provisions, wherever this is appropriate."

STATEMENT 25/99

RE ARTICLE 4(5) - ACCELERATED PROCEDURE

"The Commission confirms that the existing accelerated procedure will continue to apply. Implementing provisions will lay down details concerning this procedure and its field of application."

STATEMENT 26/99

RE ARTICLE 4 (6) - LORENZ PROCEDURE

"The Commission would expect to need to make use of the 15 working day period provided for in Article 4(6) only in rare circumstances. Nevertheless, the Commission considers that the inclusion of such a period in the procedure is essential both to ensure that cases of seriously distortive aid do not inadvertently become authorised and, as explained below, to provide the Commission with the opportunity to rectify the situation in other cases by taking an explicit decision, thereby increasing the legal security of beneficiaries.

In cases where it makes use of the 15 working day period, the Commission does not expect that the only type of decision it will take will be a decision to initiate proceedings pursuant to Article 93(2) of the Treaty. It may also take a decision that the notified measure does not constitute aid or a decision not to raise objections.

The Commission believes that a duly motivated decision taken by the College within the 15 working day period provided for will provide greater security from challenge than a tacit decision based only on the expiry of the two month deadline.

For all the above reasons, the Commission believes that the period of 15 days provided for in Article 4(6) is an indispensable part of the state aid control regime established by the present Regulation."

STATEMENT 27/99

RE ARTICLE 6(1) - FORMAL INVESTIGATION PROCEDURE

"The Commission confirms that decisions to initiate the formal investigation procedure do not prejudice the outcome of the procedure. It will endeavour to formulate such decisions in a fair way and to make clear that the doubts expressed only reflect a preliminary view."

STATEMENT 28/99

RE ARTICLE 13(2) - TIME LIMITS FOR UNLAWFUL AID

"The Commission states that except in cases where a provisional recovery injunction has been complied with, it cannot accept any time-limit for cases of unlawful aid. Such time-limit would put Member States which do not respect the basic rules of State aid control (notification obligation and standstill-clause) on the same footing as those who do so. It believes that it is justified that its services should give priority to the examination of notified aid. However, the Commission considers that where unlawful aid causes possibly incompatible distortions of competition, these should be put to an end as soon as possible, and that therefore it will need to take final decisions in cases of unlawful aid as quickly as possible. Moreover, the Commission confirms that in keeping with the general rules of good administrative practice, it is under an obligation to take decisions even on unlawful aid within a reasonable period of time."

STATEMENT 29/99

RE ARTICLE 14(1) - RECOVERY DECISION

"The Commission is always bound by the general principles of Community law, in particular the principle of legitimate expectations, which prevail over secondary Community law."

STATEMENT 30/99

RE ARTICLE 14(3) - RECOVERY DECISION

"This paragraph does not harmonise national law and does not require Member States to change their national law."

STATEMENT 31/99

RE ARTICLE 21(1) - ANNUAL REPORTS

"The Commission states that the obligation for Member States to submit to the Commission annual reports should not increase existing administrative burdens. The Commission has, in 1994, on the basis of Article 93 (1) asked all Member States to provide standardised data in the form of detailed annual reports for some important schemes and of simplified reports for all other schemes (letter from the Commission of 22.2.1994, SG (94), D/2472). These requirements were adapted in 1995 in order to harmonise them with the international obligations of the Community. Moreover, in the context of the preparation by the Commission of its reports on state aid, data is provided annually by the Member States on all aid granted.

The form of the annual reports is one of the procedural details that will be determined in implementing provisions."

STATEMENT 32/99

RE ARTICLE 25 - TRANSMISSION OF THE DECISION TO THE MEMBER STATE CONCERNED

"The Commission states that it will take the necessary measures in order to ensure that the Member State concerned is informed of Commission decisions before public statements are issued."

STATEMENT 33/99

re Regulation as a whole

"The Council and the Commission consider that, in order to prevent distortion of competition on the inland waterway transport market and make Community measures concerning that market more effective, it is desirable for Switzerland to adopt similar measures for its fleet on the linked inland waterway network of the Member States concerned."

STATEMENT 34/99

"The Council and the Commission reaffirm the need for an early resumption of the negotiations with the Contracting Parties to the Convention on common transit so as to ensure the widest possible parallelism between the rules applicable in the two transit procedures."

STATEMENT 35/99

"The Council and the Commission undertake to examine the request submitted by the Italian Government to the Commission on 3 December 1998 concerning the application of a differentiated rate for diesel for commercial vehicles using the same criteria they applied to the similar requests made by the French and Netherlands Governments."

STATEMENT 36/99

With regard to the second indent of Article 1, point 1:

"The French delegation states that the request for a derogation which has been submitted concerning the reimbursement of part of the excise duty on diesel used by commercial vehicles is not intended to allow a reduction of the current rate of excise duty. The purpose of the planned reimbursement is to partially offset for those vehicles the increase in the rate of excise duty which has been decided on for diesel."

STATEMENT 37/99

Statement by the Spanish delegation

The Spanish delegation states that: "Spain gives an undertaking that the industry in Spain will supply a quantity of up to 1 300 tonnes at the prices and on the conditions of the international market."

STATEMENT 38/99

Statement by the Commission on loins of tuna

"As regards loins of tuna, the Commission undertakes to draw up as quickly as possible and in any event before the end of 1999 a short and medium-term Community market supply balance."

STATEMENT 39/99

Unilateral statement by Ireland

"Ireland has fundamental problems with the proposed tariff for herring, given the continued and very serious difficulties being experienced by Irish and other EU producers in the Community herring market.

Ireland believes that there is no justification for increasing the volume of tariff free herring entering the Community given the already generous tariff concessions applying to this species. Ireland notes the rationale behind the proposal to apply a tariff free quota to larger herring which is that stocks of such fish are in undersupply, and only available from the Atlanto-Scandic fishery. It is the case however that the EU uptake of its Atlanto-Scandian herring last year was undershot by 20 000 tonnes.

Ireland is also concerned that the proposed time period coincides with the critical opening months of the Irish herring fishery which will add to the serious difficulties of the industry.

The present crisis in the EU and global herring market has caused job losses and economic hardship for the Irish herring sector. Ireland is working to overcome these problems but regrets that this proposal will exacerbate the existing problems for Community herring producers.

Ireland must therefore record its strong opposition to this proposal."

STATEMENT 40/99

Statement by the Italian delegation

"By voting against the Regulation opening autonomous tariff quotas for 1999, the Italian delegation wishes to draw the Council's attention to the damaging consequences for the Italian canning industry of the low level of this year's quota for tuna loin. This sector is particularly sensitive to shortages of such raw materials on the Community market, which impacts on its own productive capacity and on jobs.

The tuna loin industry is suffering from insufficient Community production and the discriminatory way in which supply is currently organised. The result is that, with the current quota, the Italian industry is unable to keep pace with demand.

For these reasons, and in view of the predictable supply difficulties which adoption of the Regulation as currently worded will entail for Italian industry, the Italian Government reserves the right to request in the course of the year that the quota for tuna loin be re-opened."

MARCH 1999	
OTHER ACTS	Votes made public
2164th Council meeting (Labour and Social Affairs), on 9 March 1999 Albania • Joint Action adopted by the Council on the basis of Article J.3 of the Treaty on European Union concerning a contribution by the European Union to the re-establishment of a viable police force in Albania • Council Decision adopted on the basis of Article J.4(2) of the Treaty on European Union on the implementation of the joint action concerning a contribution by the European Union to the re-establishment of a viable police force in Albania 6400/99, 6401/99 <u>Statement by the Danish delegation released to the public</u> <i>"In accordance with Section C of the Decision adopted at the European Council in Edinburgh on 11 and 12 December 1992, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.</i> <i>The Danish Government has decided that Denmark does not participate in the Council Decision on the implementation of the Joint Action concerning a contribution by the EU to the re-establishment of a viable police force in Albania.</i> <i>In accordance with the Edinburgh Decision, Denmark will not prevent the development of closer cooperation between Member States in this area. Accordingly, the position indicated above does not prevent the adoption of the Council decision."</i> Council Decision supplementing Joint Action 95/545/CFSP adopted by the Council on the basis of Article J.3 of the Treaty on European Union with regard to the participation of the Union in the implementing structures of the peace plan for Bosnia and Herzegovina 6396/99 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 5829/99 + REV 1 (dk) + REV 2 (es) + COR 1 (d,i,fin)	

MARCH 1999	
OTHER ACTS	Votes made public
Council Decision relating to the conclusion of a Protocol adjusting trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements 13084/97 + COR 1 (f,d,nl,en,dk,gr,es,p,fin,s) + COR 2 (en) + COR 3 (dk,es) + COR 4 (f) + COR 5 (i) + COR 6 (d) + COR 7 (p) + COR 8 (fin) + COR 9 (s) + COR 10 (nl) + COR 11 (gr) 2165th Council meeting (Environment), on 11 March 1999 Relations with the ACP States Council Decision on the procedure for implementing Article 366a of the Fourth ACP-EC Convention, as revised by the Mauritius Agreement 5644/98 Decision of the Representatives of the Governments of the Member States of the European Communities, meeting within the Council, amending the Internal Agreement on the measures to be taken and the procedures to be followed in applying the Fourth ACP-EC Convention 5722/98 <u>Council statement released to the public</u> <i>"In deciding whether to take appropriate steps under Article 2 of the Council Decision on the procedure for implementing Article 366a of the revised Fourth Lomé Convention in conformity with the procedure required by the Decision, the Council will take account of the political aspects of the human rights situation in the country concerned."</i> 2166th Council meeting (Justice and Home Affairs), on 12 March 1999 Council Act adopting the rules governing the transmission of personal data by Europol to third States and third bodies 10888/98 + COR 1 + COR 2 + COR 3 (i,nl,en,gr,es,p,fin,s) + COR 3 REV 1 (p) + COR 4 (nl) + COR 5 (nl) Council Act drawing up, on the basis of Article K.3 of the Treaty on European Union, the Protocol on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention 13435/98 + COR 1 (es)	

MARCH 1999	
OTHER ACTS	Votes made public
Council Regulation determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States 6045/99 + COR 1 <u><i>Council statements released to the public</i></u> <u><i>1. Article 2(3)</i></u> <i>"<u>The Council</u> states that for the purposes of Article 2(3):</i> <i>• due account will be taken of United Nations Security Council Resolutions, particularly where it has condemned the entities or authorities in question, has called on all States not to recognise them and has declared their actions legally null and void;</i> <i>• it will have to be determined which passports and travel documents are to be recognised as valid, in accordance with those Resolutions, under the provisions of Title VI of the Treaty on European Union with regard to the harmonisation of the conditions governing the issue of visas."</i> <u><i>2. Re Part II of the Annex</i></u> <i>"<u>The Council</u> states that, where it is proposed to amend Part II of the Annex to this Regulation as regards the inclusion of territorial entities and authorities not recognised by all the Member States, the Council will consider the specific foreign-policy aspects involved before taking its decision; in any event the recognition of passports and travel documents issued by non-recognised territorial entities and authorities is a matter for the Member States and could be the subject of a decision under Title VI."</i> <i>3. Re the footnote to Part I of the Annex</i> <i>(a) "<u>The Council</u> states that it added the footnote to the Annex to this Regulation relating to Hong Kong Special Administrative Region passport holders pursuant to the aforementioned statement re Article 2(3)."</i> <i>(b) "<u>Member States party to the Convention implementing the Schengen Agreement</u> hereby state that they will maintain the status quo with regard to the visa obligation for Chinese nationals holding Hong Kong Special Administrative Region passports, unless a decision to the contrary is taken in accordance with the procedures laid down in the Convention implementing the Schengen Agreement."</i>	

MARCH 1999	
OTHER ACTS	Votes made public
<u>4. Re Part I of the Annex</u> <i>"The Council states that, in view of the special situation there, the treatment of Chinese nationals with right of abode in Macao will be determined later."</i> 2167th Council meeting (Economic and Financial Questions), on 15 March 1999 Common position defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Ethiopia and Eritrea 6413/99 + COR 1 (f,i) + COR 2 (fin) Council Regulation (EC) imposing a definitive anti-dumping duty on imports of polypropylene binder or baler twine originating in Poland, the Czech Republic and Hungary, and collecting definitively the provisional duty imposed 6341/99 2168th Council meeting (General Affairs), on 22 March 1999 Council Decision concerning the conclusion of the interregional framework cooperation agreement between the European Community and its Member States, of the one part, and the Southern Common Market and its Party States, of the other part 6453/99 + COR 1 Relations with the ACP States and the OCT • Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1997 6321/99 • Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1997 6322/99 Council Regulation adjusting the daily subsistence allowance rates for officials on mission within the European territory of the Member States laid down in Article 13 of Annex VII to the Staff Regulations of Officials of the European Communities 6072/99	

MARCH 1999	
OTHER ACTS	Votes made public
2169th Council meeting (Transport), on 29 March 1999 Council common position with a view to adopting the Directive on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway 5563/99 + COR 1 (fin) + COR 2 (s) Council Decision concerning the conclusion, on behalf of the Community, of the Convention on the International Commission for the Protection of the Oder 13382/98 + COR 1 (es) + COR 2 (gr) <u>Commission statement released to the public</u> <i>"The Commission thinks that the appropriate legal basis is that provided for in its proposal, namely Article 130r(4), in conjunction with Article 228(2), first sentence, and (3), first subparagraph."</i> <u>Statement by the Spanish delegation released to the public</u> <i>"The Spanish delegation agrees with the substance of the Council's Decision to approve on behalf of the Community the Convention on the International Commission for the Protection of the Oder against Pollution.</i> <i>The Spanish delegation is voting in favour of this Decision in order to prevent any delay in conclusion of the Convention; it does, however, think that Article 130s(2) should be cited as a legal basis since one of the fundamental objectives of the Convention is the management of water resources. Spain therefore reserves the right to request the Court of Justice to annul this Decision on grounds of infringement of an essential procedural requirement."</i> Joint position defined by the Council on the basis of Article K.3 of the Treaty on European Union, on the proposed United Nations Convention against organised crime 5816/99 + COR 1 (p) + COR 2 (fin) + REV 1 (d)	

MARCH 1999	
OTHER ACTS	Votes made public
2170th Council meeting (Fisheries), on 9 March 1999	
Council and Commission Decision on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part 6410/99	
Council and Commission Decision on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part 6411/99	
Decision to publish, in the Official Journal of the Communities, a Council Opinion on the Stability Programme presented by Spain (adopted at the Council meeting on 15 March 1999) 6807/99	
Decision to publish, in the Official Journal of the Communities, a Council Opinion on the Stability Programme presented by France (adopted at the Council meeting on 15 March 1999) 6808/99	
Decision to publish, in the Official Journal of the Communities, a Council Opinion on the Stability Programme presented by Germany (adopted at the Council meeting on 15 March 1999) 6809/99	
Decision to publish, in the Official Journal of the Communities, a Council Opinion on the Stability Programme presented by Belgium (adopted at the Council meeting on 15 March 1999) 6810/99	
Decision to publish, in the Official Journal of the Communities, a Council Opinion on the Stability Programme presented by Luxembourg (adopted at the Council meeting on 15 March 1999) 6811/99	

MARCH 1999	
OTHER ACTS	Votes made public
Council Regulation imposing a definitive anti-dumping duty on imports of calcium metal originating in Russia and the People's Republic of China and amending Regulation (EC) No 2557/94 6726/99 Council Regulation (EC) imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway and repealing Regulation (EC) No 1890/97 and (EC) No 1891/97 6917/99 Council Regulation establishing a double-checking system for exports of certain ECSC steel products from the Republic of Poland to the European Community for the period 1 April to 31 December 1999 6793/99 Relations with Cyprus and Malta • Council Decision concerning the conclusion of a protocol on the extension of the period during which the funds laid down in the 4th Protocol on financial and technical cooperation between the European Community and the Republic of Cyprus may be committed 5625/99 • Council Decision concerning the conclusion of a protocol on the extension of the period during which the funds laid down in the 4th Protocol on financial and technical cooperation between the European Community and the Republic of Malta may be committed 5696/99 Joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union in relation to the nomination of an EU Special Envoy for Kosovo 6901/99	
