



**COUNCIL OF
THE EUROPEAN UNION**

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PUBLIC 2

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
FEBRUARY 2004

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in February 2004. This is accompanied by statements in the minutes which may be released to the public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rules applicable;
- in **Annex III**, a list of the other acts ¹ adopted by the Council in February 2004, 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 under "Transparency", then "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 Department ("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.

FEBRUARY 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Written procedure completed on 2 February 2004 Directive of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts Directive of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors Single European Sky - Regulation of the European Parliament and of the Council laying down the framework for the creation of the Single European Sky ("the framework Regulation") - Regulation of the European Parliament and of the Council on the provision of air navigation services in the Single European Sky ("the service provision Regulation") - Regulation of the European Parliament and of the Council on the organisation and use of the airspace in the Single European Sky ("the airspace Regulation") - Regulation of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network ("the interoperability Regulation")	PE-CONS 3696/03	8/04, 9/04	Qualified majority
	PE-CONS 3695/03		Qualified majority
	PE-CONS 3690/03 + REV 1 (fr)		Qualified majority
	PE-CONS 3691/03 + REV 1 (fr) + REV 2 (fi)		Qualified majority
	PE-CONS 3692/03 + REV 1 (fr) + REV 2 (fi) PE-CONS 3693/03 + REV 1 (fi)		Qualified majority

FEBRUARY 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products	16044/03 + COR 1 (es) + COR 2 (nl)		Qualified majority
2561st Council meeting (Justice and Home Affairs) on 19 February 2004			
Council Regulation on the creation of an immigration liaison officers network	15813/03	10/04, 11/04	Unanimity
Council Regulation and Council Decision on procedures for amending the Sirene manual	5361/04 + COR 1 5362/04 + COR 1 (en,fr,it,nl,da,el,es,pt,fi,sv)		Unanimity Unanimity
Council Decision concerning the adoption of a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community	5507/04		Unanimity
Council Regulation amending Regulation (EC) No 40/94 on the Community trade mark	15681/03 + COR 1 (fr,de,en,da,el,pt) + COR 2 (de) + REV 1 (fi,sv) + REV 1 COR 1 (fi)		Unanimity

FEBRUARY 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Regulation of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS)	PE-CONS 3698/1/03 REV 1		Qualified majority
Regulation of the European Parliament and of the Council establishing the European Network and Information Security Agency	PE-CONS 3688/03	12/04, 13/04, 14/04	UK abstention Qualified majority
2562nd Council meeting (General Affairs and External Relations) on 23 February 2004			
Council Decision setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals	14698/03		Unanimity
2564th Council meeting (Agriculture and Fisheries) on 24 February 2004			
Council Regulation amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto in agricultural products and foodstuffs	6159/04	15/04, 16/04	ES against Qualified majority

FEBRUARY 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation amending Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre	5355/04		Qualified majority
Council Regulation opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2004-2006	5978/04 + COR 1 (fr,it,nl,es,pt) + COR 2 (de)	17/04, 18/04	IT against ES abstention Qualified majority
2565th Council meeting (Education, Youth and Culture) on 26 February 2004			
Council Decision laying down the Rules of the Advisory Committee on Vocational Training	5702/04 + COR 1 (fr,nl,en,da,fi) + REV 1 (sv)	19/04	Simple majority
Council Regulation repealing Regulation (EEC) No 3975/87 and amending Regulation (EEC) No 3976/87 and Regulation (EC) No 1/2003, in connection with air transport between the Community and third countries	5985/04	20/04	AT against Qualified majority
Proposal for a Council Regulation establishing measures for the recovery of cod stocks	5261/1/04 REV 1 + COR 1 (da)	21/04	Qualified majority

FEBRUARY 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Decision amending Decision 2002/736/EC authorising the Hellenic Republic to apply a measure derogating from Articles 2 and 28a of the Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	5929/04 + REV 1 (fi)		Unanimity
Council Decision authorising Spain to apply a measure derogating from Article 21 of the Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	5930/04 + COR 1 (fi)		Unanimité
Directive of the European Parliament and of the Council on measuring instruments	PE-CONS 3626/04		Qualified majority

STATEMENT 8/04**Statement by the Member States on military issues related to the Single European Sky:**

"The Member States,

- taking into account that the Regulations aimed at creating the Single European Sky apply only to general air traffic and do not cover military operations and training;
- affirming the necessity to put into practice the legislative framework for the Single European Sky in a coherent and consistent way, taking full account of the needs related to national defence and security policy and international agreements;
- being convinced that the safe and efficient use of airspace can only be achieved through close cooperation between civil and military users of airspace, mainly based on the concept of flexible use of airspace and effective civil-military coordination as established by ICAO;

declare that they will:

1. co-operate with each other, taking into account national military requirements, in order that the concept of flexible use of airspace is fully and uniformly applied in all Member States by all users of airspace;
2. ensure that the interests of Member States' military users of airspace will, where relevant, be represented in the whole development, decision-making process and implementation of the Single European Sky, including the Single Sky Committee set up under Article 7 of Regulation (EC) No XXX/XX (framework Regulation);

3. ensure, where appropriate, that military personnel are involved in the work undertaken by recognised organisations set up under Article 4 of Regulation (EC) No XXX/XX (service provision Regulation);
4. take into account, in relation to matters of air traffic management, the fundamental importance of Eurocontrol;
5. enhance civil military co-operation and, if and to the extent deemed necessary by all Member States concerned,
 - facilitate co-operation between their armed forces in all matters of air traffic management, so as to make it possible to address relevant needs in the implementation of the regulatory framework for the Single European Sky;
 - taking into account the objective of establishing the regulatory framework for the Single European Sky by 31 December 2004, create the arrangements necessary to support such military cooperation in order to guarantee a balanced consideration of economic as well as security and defence requirements."

STATEMENT 9/04

Commission statement

"On the basis of a report on experience in implementing Article 5, the Commission will, if necessary, make proposals for amendment of the procedure provided for in Article 5(6) within a period of five years."

STATEMENT 10/04

Council statement

"The Council invites the Commission to make all necessary proposals with respect to the feasibility of, and options for, establishing a secured electronic network for purposes of information-sharing between the participants in the Immigration Liaison Officers network."

STATEMENT 11/04

Commission statement on recital 12

"Recital 12 restates the legal position in accordance with Article 8(2) of Council Decision 2000/365/EC and Article 6(2) of Council Decision 2002/192/EC. It is therefore of a declaratory nature."

STATEMENT 12/04

Statement by the United Kingdom delegation on the legal basis

"The United Kingdom considers that Article 308 of the Treaty is the correct legal basis for the Regulation establishing the European Network and Information Security Agency, rather than Article 95 of the Treaty.

However, as we support the substantive policy outcome represented by the compromise text agreed today, the United Kingdom will abstain from voting when the Council adopts its political agreement."

STATEMENT 13/04

Statement by the Danish delegation on the legal basis

"Denmark agrees that Article 308 is the most appropriate legal basis for the Regulation establishing the European Network and Information Security Agency, rather than Article 95 of the Treaty.

However, as we support the substantive policy outcome represented by the compromise text agreed today and the urgency of a joint European effort in the field of network and information security, Denmark will vote in favour of the proposal when the Council adopts its political agreement."

STATEMENT 14/04

Commission statement

"In line with its communication of December 2002 on the operating framework for the European regulatory agencies, the Commission would reiterate its proposal for a small-scale Management Board, composed of six members appointed by the Commission, six appointed by the Council and three representatives of interested parties without voting rights.

In this instance, however, because of the specific tasks assigned to the European Network and Information Security Agency and the pressing need for its establishment, the Commission will not stand in the way of first reading-agreement between co-legislators.

The Commission would point to the exceptional nature of the course taken and reaffirms its eagerness to see the above general operating framework applied."

STATEMENT 15/04

Statement by the Council and the Commission

"The Council and the Commission will assess the necessity of amending Annex III to Council Regulation (EEC) No 2092/91, by 1 July 2005, in order to adapt it to the new inspection provisions laid down in this amendment. Aspects such as risk assessment, as a basis for laying down the inspection frequency, may also be examined."

STATEMENT 16/04

Statement by the Spanish delegation:

"The Spanish delegation wishes, first of all, to express its unequivocal support for the promotion and the development of organic farming, as borne out by the spectacular increase in this type of production in Spain (over 725 000 hectares). However, Spain and the Commission currently have a case before the Court of Justice concerning a dispute on the interpretation of the term "bio" in Spanish.

We would point out that, in Spain, the term "ecológico" (ecological) and not "biológico" (biological) or "bio" is used for products of organic farming.

In Spain, the term "bio" does not suggest to customers that a product is the result of organic farming, but rather that it is healthy or good for them and forms part of a balanced natural diet.

Given the lack of standard terms designating this type of production in the languages of the various EU Member States and the existence of a single Spanish term for it, "ecológico", the Spanish delegation does not see any need to amend Article 2."

STATEMENT 17/04

Commission statement

"The Commission will carefully monitor the situation on the Community market in fishery products for which autonomous tariff quotas are opened for the period 2004 to 2006. If, during this period, the Community market in one or more of these products is affected by serious disturbances or supply problems, the Commission will assess the situation with due regard to all relevant factors and, as appropriate, submit proposals to the Council to remedy the situation."

STATEMENT 18/04

Statement by the Spanish delegation:

"The Spanish delegation is abstaining on the proposal for a Regulation opening autonomous Community tariff quotas for the period 2004-2006, as it considers that the proposal includes an excessive quota amount for "loins" of tuna.

We note the Commission's statement that it will monitor and keep watch on supplies of tuna loins for the Community market. Nonetheless, Spain urges the Commission to update, without delay, its 1999 study of the European processing industry's tuna loin supply requirements.

The conclusions of that study must be borne in mind by the Commission in submitting proposals to amend the quota, if appropriate, as soon as possible."

STATEMENT 19/04

Commission statement

"The Commission regrets the change made by the Council to the membership of the Advisory Committee on vocational training, offering each Member State the possibility to nominate a second representative of national governments resulting in a possible total number of 100 members.

In the Commission's view, this change unbalances the tripartite structure of the Committee and is not in line with the objective of enhancing the efficiency and effectiveness of the Advisory Committee in an enlarged Union.

In light of the above, the Commission's understanding is that such an option (a second representative for national governments) remains exceptional in nature and reaffirms its eagerness to see the principle of a balanced representation of the different groups applied in practice, thus ensuring the effective functioning of the Committee."

STATEMENT 20/04

Commission statement on the review of Regulation No 3976/87

"The Commission will closely examine the possibility to extend the application of Council Regulation No 3976/87, in particular with regard to the possible types of block exemptions (e.g. certain types of code sharing agreements) and to update Council Regulation No 3976/87 in view of market specific developments, and present, if appropriate, the necessary proposals to the Council before the end of 2005."

STATEMENT 21/04

Commission statement on flexibility in the cod recovery plan

"During 2004 the Commission intends to consult with the Member States and, in the light of that, to make proposals to develop the regime in Council Regulation (EC) No 2287/2003 to provide for greater flexibility in the distribution and transfer of fishing effort allocations."

FEBRUARY 2004		
OTHER ACTS	Votes made public	
Written procedures completed on 6 February 2004		
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 Community action programme to promote organisations active at European level in the field of equality between men and women 16185/03 + ADD 1	NL against	
Common position adopted by the Council with a view to adopting a Regulation of the European Parliament and of the Council creating a European enforcement order for uncontested claims 16041/03 + COR 1 (de) + ADD 1 + ADD 1 COR 1		
2560th Council meeting (Economic and Financial Affairs) on 10 February 2004		
Council Decision amending Decision 2001/264/EC adopting the Council's security regulations 5239/04 + COR 1		
Council Regulation amending Council Regulation (EC) No 2320/97 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in, inter alia, Romania in so far as it concerns imports into the European Community of products manufactured by Petrotub SA and Republica SA 5511/04		
Council Regulation amending Regulation (EC) No 1339/2002 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of sulphanilic acid originating in the People's Republic of China and India 5474/04		

FEBRUARY 2004	
OTHER ACTS	Votes made public
Council Regulation terminating the anti-dumping proceeding concerning imports of sacks and bags made of polyethylene or polypropylene originating in the People's Republic of China, India, Indonesia and Thailand 5227/04 Liberia 5417/04 + ADD 1 + ADD 2 • Council Common Position concerning restrictive measures against Liberia and repealing Common Position 2001/357/CFSP 5418/04 • Council Regulation concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003 5419/04 + COR 1 (fi) + COR 2 (pt) + REV 1 (en) Council Common Position on restrictive measures against extremists in the former Yugoslav Republic of Macedonia (FYROM) and repealing Common Position 2001/542/CFSP 5639/04 Council Opinion on the updated Stability Programme of Greece 6133/04 Council Opinion on the updated Stability Programme of France 6134/04 Council Opinion on the updated Stability Programme of Ireland 6135/04 Council Opinion on the updated Stability Programme of Italy 6136/04 Council Opinion on the updated Stability Programme of Luxembourg 6137/04 Council Opinion on the updated Stability Programme of the Netherlands 6138/04	

FEBRUARY 2004	
OTHER ACTS	Votes made public
Council Opinion on the updated Convergence Programme of the United Kingdom 6139/04 2561st Council meeting (Justice and Home Affairs) on 19 February 2004 Council Decision extending the period of application of the measures in Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement 5952/04 Zimbabwe • Council Common Position renewing restrictive measures against Zimbabwe 5641/04 • Council Regulation concerning certain restrictive measures in respect of Zimbabwe 5843/04 Council Decision concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants docs 5307/04 + REV 1 (fi), 6049/1/04 REV 1 + ADD 1 REV 1 Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on promoting gender equality in development cooperation 5402/04 + COR 1 (en,es) + COR 2 (sv) + ADD 1 + ADD 1 COR 1 (en,el) 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 95/93 on common rules for the allocation of slots at Community airports 16305/03 + COR 1 (fr) + COR 2 (fr) + ADD 1	B abstention

FEBRUARY 2004	
OTHER ACTS	Votes made public
2562nd Council meeting (General Affairs and External Relations) on 23 February 2003 Council Common Position concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic 6167/04 Council and Commission Decision concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part 5521/04, 6726/01 + COR 1 (fr,de,it,da,el,es,pt) + ADD 1 + ADD 2 + ADD 3 Council Decision establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications 5770/04 Council Regulation introducing, on the occasion of the accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, special temporary measures for recruitment of officials of the European Communities 11975/1/03 REV 1 2564th Council meeting (Agriculture and Fisheries) on 24 February 2004 Council Decision concerning the conclusion on behalf of the European Community, of the International Treaty on Plant Genetic Resources for Food and Agriculture 13735/03 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 (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks 5633/04 + ADD 1 + ADD 1 COR 1 (en,el,es)	

FEBRUARY 2004	
OTHER ACTS	Votes made public
2565th Council meeting (Education, Youth, Culture) on 26 February 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 minimum safety requirements for tunnels in the Trans-European Road Network 5238/04 + COR 1 (sv) + COR 2 (fi) + ADD 1	
