



**COUNCIL OF
THE EUROPEAN UNION**

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PUBLIC 5

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
FEBRUARY 2006

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in February 2006. 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 acts¹ adopted by the Council in February 2006, 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 "Documents", then "Summary of Council Acts". Documents listed in the summary may be obtained from the public register of Council documents (<http://register.consilium.eu.int>).

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 2006				
TITLES OF DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTING RULE	VOTES
Written procedure completed on 2 February 2006 Regulation of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 Written procedure completed on 2 February 2006 Directive of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities and repealing Directive 88/599/EEC	PE-CONS 3671/3/05 REV 3 + REV 1 (lt) PE-CONS 3672/2/05 REV 2 + REV 1 (lt)	8/06, 9/06 10/06, 11/06	Qualified majority Qualified majority	All Member States in favour. All Member States in favour, except the following. Against: France.

FEBRUARY 2006				
TITLES OF DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTING RULE	VOTES
2707th Council meeting (Economic and Financial Affairs) on 14 February 2006 Council Decision amending Decisions 98/161/EC, 2004/228/EC, 2004/228/EC and 2004/295/EC, as regards the extension of measures to prevent evasion of value added tax in the whole sector Council Directive amending Directive 77/388/EEC with regard to reduced rates of value added tax	5465/05 + REV 1 (lt) 5915/06 + COR 1 (fr) + REV 1 (hu)	 12/06, 13/06	Unanimity Unanimity	All Member States in favour. All Member States in favour.

FEBRUARY 2006				
TITLES OF DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTING RULE	VOTES
2708th Council meeting (Agriculture and Fisheries) on 20 February 2006				
Council Regulations - on the common organisation of the markets in the sugar sector - amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers - establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy	5588/06 + COR 1 (pl) + REV 1 (nl) 5589/06 + COR 1 + COR 2 (it) + COR 3 (lv) 5590/06 + COR 1 (nl) + COR 2 (lv) + COR 3 (es)	14/06, 15/06, 16/06, 17/06, 18/06, 19/06, 20/06, 21/06, 22/06, 23/06, 24/06, 25/06, 26/06, 27/06, 28/06, 29/06, 30/06, 31/06, 32/06, 33/06, 34/06, 35/06	Qualified majority	All Member States in favour, except the following. Against: Greece, Poland, Latvia
Council Decision on Community strategic guidelines for rural development (programming period 2007-2013)	5966/06		Qualified majority	All Member States in favour.

FEBRUARY 2006				
TITLES OF DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTING RULE	VOTES
2709th Council meeting (Justice and Home Affairs) on 21 February 2006				
Regulation of the European Parliament and of the Council establishing a Community code on the rules governing the movement of persons across borders (Schengen Borders code)	PE-CONS 3643/2/05 REV 2	36/06	Qualified majority	All Member States in favour, except the following. Against: Hungary Abstention: Slovenia
Directive of the European Parliament and of the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC	PE-CONS 3677/05 + COR 1 (en) + COR 2 (it) + COR 3 (da) + COR 4 (et) + COR 5 (es) + COR 6 (hu) + COR 7 (mt) + COR 8 (sl) + COR 9 (pt) + COR 10 (cs) + COR 11 (da) + REV 3 (sv) + REV 5 (fi) + REV 6 (lv) + REV 7 (lt) + REV 8 (nl) + REV 9 (pl) + REV 9 COR 1 (pl) + REV 10 (de) + REV 11 (el)	37/06, 38/06, 39/06, 40/06, 41/06, 42/06, 43/06, 44/06, 45/06, 46/06, 47/06, 48/06, 49/06, 50/06, 51/06, 52/06, 53/06, 54/06, 55/06, 56/06, 57/06	Qualified majority	All Member States in favour, except the following. Against: Ireland, Slovakia

FEBRUARY 2006				
TITLES OF DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTING RULE	VOTES
2710th Council meeting (Education, Youth and Culture) on 23 February 2006				
Council Regulation establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay	5696/06 + COR 1 (nl) + REV 1 (lv)	58/06	Qualified majority	All Member States in favour.
Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	PE-CONS 3668/3/05 REV 3 + REV 3 COR 1 (en) + REV 3 COR 2 (lv) + REV 3 COR 3 (de) + REV 4 (sl)	59/06	Qualified majority	All Member States in favour.
2711th Council meeting (General Affairs and External Relations) on 27 February 2006				
Council Decision authorising the Kingdom of the Netherlands to apply a measure derogating from Article 11 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	6089/06 + COR 1 (sv) + REV 1 (lt)		Unanimity	All Member States in favour.

STATEMENT 8/06**Statement by the Commission****AETR**

"The Commission and Member States shall make every effort to ensure that, within two years of the entry into force of this Directive, the provisions of the AETR are aligned with the provisions of this Directive. If such an alignment has not been achieved within that period the Commission shall propose appropriate action to address the situation."

STATEMENT 9/06**Statement by the Commission****Infringements**

"The Commission declares that in relation to the classification of serious infringements, its understanding is that serious infringements against the Regulation on the harmonisation of certain social legislation relating to road transport include the following:

1. exceeding the maximum daily, six-day or fortnightly driving time limits by a margin of 20% or more;
2. disregarding the minimum daily or weekly rest period by a margin of 20% or more;
3. disregarding the minimum break by a margin of 33% or more; and
4. a tachograph not fitted in accordance with the requirements of Council Regulation (EEC) No 3821/85."

STATEMENT 10/06

Statement by the Commission

"The Commission and Member States shall make every effort to ensure that, within two years of the entry into force of this Directive, the provisions of the AETR are aligned with the provisions of this Directive. If such an alignment has not been achieved within that period the Commission shall propose appropriate action to address the situation."

STATEMENT 11/06

Statement by France

"The Council of the European Union today agreed on a Directive on checks on the driving, rest and working times of professional drivers.

From the outset of negotiations, France welcomed the fact that one of the objectives of this proposal was to carry out checks on the working time of drivers pursuant to Directive 2002/15/EC. That provision, which represented a genuine new development, should have brought about a substantial improvement in road safety.

However, despite France's support for and insistence on the inclusion of Directive 2002/15/EC as regards checks both at the roadside and at the premises of undertakings in this Directive, the text submitted to the Council today has not enabled this provision to be retained, which is unacceptable in France's view. France regrets that it has not been possible to take its position into account.

France has therefore been unable to support the adoption of the text."

STATEMENT 12/06

Statement by the Council

"The Council agrees to return to the issue of VAT applied to tolls on domestic road bridges not later than June 2007 in the context of the Commission's planned proposal on public authorities."

STATEMENT 13/06

Statement by the Commission

"The Commission declares that the place of supply for district heating shall be determined by an application mutatis mutandis of Art. 8 para 1 d and e of Dir. 77/388/EEC; the Commission announces its intention to undertake the necessary steps to clarify the wording accordingly."

I. GENERAL STATEMENTS

STATEMENT 14/06

Statement by Poland

"Poland takes the view that the solutions adopted in connection with reform of the sugar sector fall short of expectations in terms of:

- improving the sector's competitiveness,
- preventing market disruption,
- creating the right conditions to ensure the stable, long-term growth of the sugar sector in the Community.

Poland disapproves of many of the solutions proposed in connection with reform of the sugar sector as they do not treat producers from different regions of the EU on the same basis. On the one hand, they fail to take account of the sugar sectors of the New Member States, which are being restructured in order to comply with Community standards; on the other hand, they ensure additional support for sugar beet producers in countries which have a competitive sugar sector.

Poland would stress that the allocation of new sugar and isoglucose production quotas is contrary to the basic aim of the reform - i.e. to limit sugar production in the EU.

Poland notes that a reduction in EU sugar production should be achieved primarily by eliminating production under the present B quota.

In Poland's opinion, the provisions of Article 44 of the Regulation on the common organisation of the markets in the sugar sector, together with the Commission statement on the application of that Article, support a negative assessment of the reform.

In the light of the above, Poland cannot support the reform of the sugar sector as it stands at present."

STATEMENT 15/06

Statement by Greece

"The recent decisions arrived at by the Council in the sugar sector, on the basis of the agreement reached in November 2005, are severely unbalanced and will have adverse repercussions in socially and economically sensitive areas of the European Union.

Application of the new regime will have a particularly adverse effect on employment, which is entirely at odds with the aims of the Lisbon strategy and the Member States' national reform programmes.

At the same time, the change to Article 44, enabling the Commission to immediately reduce part of the quotas for the 2006/2007 marketing year, will have a more severe effect on less competitive industries in non-surplus countries, which are not responsible for the situation which has been created on today's sugar market.

A more correct and fairer way of dealing with the situation would be an across-the-board reduction in the B quotas.

For these reasons, Greece confirms the position it expressed during the negotiations in November 2005 and states that it is voting against all the legislative texts relating to the sugar sector."

II. COUNCIL REGULATION ON THE COMMON ORGANISATION OF THE MARKETS IN THE SUGAR SECTOR

STATEMENT 16/06

Statement by the Council

On rules of origin

"The Council considers it important to ensure that the benefits of the EBA agreement accrue to the EBA countries concerned and therefore invites the Commission to come forward as soon as possible with a modification of the legislation regarding rules of origin.

The more general rules will apply and without being exhaustive, the following operations in the case of sugar should be considered as insufficient to confer origin: refining, flavouring, colouring, packaging as well as mixing with less than 80% of products fully originating in the country concerned. However, the sugar incorporated in such mixings must be entirely produced in EBA countries."

STATEMENT 17/06

Statement by the Council and the Commission

On the isoglucose quota for Romania and Bulgaria

"The Council and the Commission declare that the isoglucose quota agreed for Romania and Bulgaria in the Accession Treaty will be increased on the same conditions as for other Member States by 1 966t for Romania and by 11 045t for Bulgaria during each of the first three years after Accession."

STATEMENT 18/06

Statement by the Council and the Commission

On raw sugar imported into Romania and Bulgaria

"The Council and the Commission declare that the quantities of imported raw sugar for refining agreed in the Accession Treaty for Romania and Bulgaria will be reserved for these two future Member States for the period up to and including the marketing year 2008/09."

STATEMENT 19/06

Statement by the Commission

On industrial sugar

"The Commission declares that it is in the EU interest to ensure a competitive EU industry when utilising EU sugar as raw material. The Commission has at its disposal different instruments to ensure the availability of sugar at competitive prices:

- out of quota sugar
- production refunds
- inward processing
- duty free imports

The Commission will make use of one or more of these different instruments in order to ensure that sugar for industrial use is made available at competitive prices in relation to world market prices for sugar. Should supplies of EU sugar with or without production refund not be available at competitive prices, the Commission will proceed without delay to open tariff quotas for duty-free imports."

STATEMENT 20/06

Statement by the Commission

On the safeguard clause

"If in any given year from the marketing year 2008/09 onwards, sugar imports into the Community from a third country under the EBA arrangements increase by more than 25% in comparison with the imports from that country in the previous marketing year, the Commission will automatically open the procedure to decide whether measures such as suspension or temporary withdrawal of trade concessions, surveillance or other safeguard measures need to be applied."

STATEMENT 21/06

Statement by the Commission

On the transitional rules for the 15-month marketing year 2006/2007

"The Commission will lay down transitional rules in respect of the marketing year 2006/07 providing for an additional quota without restructuring levy for:

- sugar from sugar beet sown in autumn 2005 and receiving the basic price in force for 2005/06, and
- isoglucose and inulin syrup corresponding to three twelfths of the quota set out in Annex 3."

STATEMENT 22/06

Statement by the Commission

On Article 2(7)

"The Commission is of the opinion that the definition in Article 2(7) does not exclude the possibility of producing out of quota isoglucose in parallel with quota isoglucose."

STATEMENT 23/06

Statement by the Commission

On Article 8

"The Commission will specify in the implementing regulations the conditions governing the allocation of additional quotas in 2006/2007 marketing year."

STATEMENT 24/06

Statement by the Commission

On Article 12

"The Commission will take into account in the implementing regulations of the need to allow for delivery of industrial sugar throughout the marketing year."

STATEMENT 25/06

Statement by the Commission

On the application of Article 44 for reducing production under quota for 2006/2007

"In view of improving the balance of the sugar market without creating new stocks of sugar during the marketing year 2006/2007, the Commission will apply the transitional rules provided for in Article 44 of the new CMO Regulation to reduce the production eligible for 2006/2007 under the quota referred to in Annex III of the said Regulation.

In limiting the eligible production the Commission will in its proposal take into account a combination of the criteria referred to in Article 19 of the new CMO Regulation and of those referred to in Article 10 of Regulation (EC) No 1260/2001. The reduction will also take into account the special efforts undertaken by Member States giving up quotas for 2006/2007 in the context of the restructuring fund."

On implementation of the price cut and the isoglucose quotas

STATEMENT 26/06

Statement by Estonia

"Estonia fully respects the political decision on the reform of the sugar common market organisation reached by the Council on November 24th and recognises the spirit of compromise under which the decision was made. Estonia holds that the Commission proposal for the implementation of the price cut of 36% as laid down in document 14982/05 is fully in line with the political compromise. Taken that into account, Estonia would like to emphasize that the new presidency proposal for the implementation of the price cut of 36% as presented in the SCA meeting on December 12, is a step backwards which jeopardises the balance reached by the Council. However, given the political sensibility and urgency of the matter, Estonia is ready to accept this certainly very final proposal in the context of further compromise by all delegations."

STATEMENT 27/06

Statement by Sweden

"Sweden respects the political decision on the reform of the common market organisation for sugar reached by the Council on November 24. The Commission proposal for the implementation of the price cut of 36% as laid down in document 14982/05 is fully in line with the political compromise. The new presidency proposal on the implementation of the price cut of 36% as presented in the SCA meeting on December 12, is a step backwards and leads to an increase in consumer prices during the third year. When changing this part of the decision, Sweden deeply regrets that no change has been made in the wording on the isoglucose quotas regarding the terms for allocating of the quotas to Italy, Lithuania and Sweden. These terms make it impossible for the Swedish industry to use the quota it has been allocated. However, Sweden is ready to accept this in the spirit of compromise."

STATEMENT 28/06

Statement by the Czech Republic

"The Czech Republic takes into account the significant surpluses of the sugar on the European market and therefore the Czech Republic supports the necessity to solve this situation in order to maintain the stability of the sugar sector.

With regard to this, the Czech Republic accepts the proposal of the European Commission and the Presidency, accompanied by the Commission declaration on the application of Article 44 of the CMO Regulation, to create a legal basis for the possibility of reduction of the production in marketing year 2006/2007, with the use for total reduction of the amount of production under the production quotas of a combined action in the ratio of 50:50 according to Article 10 of Council Regulation No 1260/2001 and Article 19 of the new draft basic Council Regulation on the common organization of the market in the sugar sector.

The Czech Republic agrees with this proposal under the condition that no further amendments to the compromise will be made. The Czech Republic will closely monitor the possible application of the above-mentioned provision by the Commission."

STATEMENT 29/06

Statement by France, Germany, Denmark and the Netherlands

"The French, German, Danish and Netherlands authorities regret that the Commission statement on the application of Article 44 of the new basic Regulation on the common organisation of the markets in the sugar sector is not in keeping with the reform process, as the reduction provided for will not be based solely on a linear calculation. Taking account of calculations relating to categories provided for in the previous common market organisation in the transitional rules can be justified solely under Article 44, itself a unique, transitional and exceptional provision."

STATEMENT 30/06

Statement by Latvia

"Latvia maintains its position that the Commission statement on the application of Article 44 for reducing the production quota 2006/2007 is unacceptable and considers that quota reduction must be primarily applied to B quota."

STATEMENT 31/06

Statement by Finland

"Finland can agree to the compromise reached on the reform of the common market organisation of sugar. However, Finland is of the opinion that when implementing Article 44 of the new Council Regulation on the common market organisation of the sugar, the Commission should target the reduction in production quotas for marketing year 2006/2007 to regions from which the overproduction has originated. A neutral way to cut the quotas would be to use the coefficients of Article 10 of Regulation (EC) No 1260/2001. Moreover, the Commission should in its decision take into account the efforts made by the Member States in reducing Community production in the context of the restructuring programme and in this context also take into account amounts of carry over of sugar from the marketing year 2005/2006. The Commission decision on reduction of eligible production for marketing year 2006/2007 should not lead to a situation which would reduce production more than the approved restructuring plan."

STATEMENT 32/06

Statement by Lithuania

"Lithuania considers that the final legislative package submitted by the Commission still departs from the "general approach" reached by the Council on 22-24 November 2005. The "general approach" did not establish that sugar production quotas would be reduced.

Lithuania understands the objective of reducing the sugar surplus in the Community, and agrees that this problem needs to be resolved. However, Lithuania cannot agree with the methodology proposed in the Commission declaration on the implementation of Article 44.

Lithuania has on several occasions proposed reducing the quantity of sugar produced not by combining the criteria set out in Article 19 of the new Regulation with those of Article 10 of Regulation (EC) No 1260/2001, but by applying the provisions of the Regulation still in force, or in other words by applying the coefficients applicable under a declassification mechanism. Lithuania considers that this latter method is the fairest and most objective way to solve the sugar surplus problem.

Lithuania is in a difficult situation – all the more so since it does not have a "B" sugar production quota, and since the "A" quota available as it is does not guarantee that the factories can run at full capacity. This is why even the slightest quota reduction deals a harsh blow to Lithuania, not to mention the methodology proposed by the Commission.

Under these circumstances while not rejecting the joint work carried out previously or the agreement reached on 22-24 November on the points of the reform, and while recognising that reform is inevitable, Lithuania nevertheless cannot endorse the latest proposal on the method for implementing Article 44 because of the way it reduces the sugar quota."

III. COUNCIL REGULATION AMENDING REGULATION (EC) N° 1782/2003

STATEMENT 33/06

Statement by the Commission

On the transfer from the Single Area Payment Scheme (SAPS) for the new Member States to the Single Farm Payment (SFP)

"One of the key elements in the CAP reform from 2003 was the principle of support of the active farmer independently of ownership of the land he or she farms. This principle is also established under the Single Area Payment Scheme (SAPS) for the New Member States. The New Member States request that this principle also be assured at the moment of transition from SAPS and implementation of the Single Farm Payment by 2009 at the latest.

The Commission will examine whether a solution to the question can be found. Eventually, if necessary, it will present a proposal to the Council for an amendment of the direct payments scheme."

STATEMENT 34/06

Statement by Portugal

On the transfer from the Single Area Payment Scheme (SAPS) for the new Member States to the Single Farm Payment (SFP)

"In the context of the agreement reached at the Brussels summit in October 2002, the Council and the Commission reiterated the importance of safeguarding the needs of producers in less-favoured regions of the EU. In contributing to the maintenance of sugar beet cultivation in the Union, Portugal would point out that the Council and the Commission cannot ignore the need to create alternatives for the diversification of farming in the Union's less-favoured areas. Portugal therefore stresses the necessity of taking account of natural suitability for the sustained production of certain products, in particular fruit and vegetables, to which the Council and the Commission must give special attention."

IV. COUNCIL REGULATION ON THE RESTRUCTURING FUND

STATEMENT 35/06

Statement by the Council and the Commission

On the monitoring of restructuring

"The Council and the Commission consider that it is essential that the restructuring fund is successful in reducing sugar quotas in order to obtain balance on the EU market after the transitional period. Consequently the Commission will closely monitor the working of the restructuring fund and deliver a report on the progress by the end of 2008."

STATEMENT 36/06

Statement by the Republic of Slovenia

"The Republic of Slovenia reaffirms its willingness to comprehensively implement the Community Code on the rules governing the movement of persons across borders; however, through this statement, Slovenia wishes to draw attention to the possible consequences of rigorous application of Article 7 of the Code.

As one of the most frequently used entry points to the territory of the European Union, Slovenia is aware of its responsibility to perform border checks in the interests of all the Member States. Furthermore, it wishes to stress that rigorous application of border checks to all third country nationals on the scale provided for in Article 7 of the Regulation will most probably cause severe disruptions in international road traffic at border crossings. That being so, Slovenia cannot take sole responsibility for possible delays at the border."

STATEMENT 37/06

Joint statement by the Council and the Commission on Article 12 (evaluation) of the draft Directive

"The Commission will invite Member States and the European Parliament, the European Data Protection Supervisor and representatives from the electronic communications industry to regular review meetings to exchange information about technological developments, costs and effectiveness of application of the Directive. The first meeting will take place before the end of 2006.

During this process, Member States will be invited to inform partners of their experiences in implementing the Directive and share best practices. On the basis of the outcome of such meetings, the Commission will consider presenting any necessary proposals, including with regard to any difficulties which may have emerged for Member States in relation to the technical and practical implementation of the Directive, in particular its application to Internet e-mail and Internet telephony data."

STATEMENT 38/06

Statement by the Council on Article 1

"In defining "serious crime" in national law Member States shall have due regard to the crimes listed in Article 2(2) of the Framework Decision on the European Arrest Warrant (2002/584/JHA) and crime involving telecommunication."

STATEMENT 39/06

Statement by the Commission

"The Commission recognises that retention of data may generate significant additional costs for electronic communication providers, and that reimbursement by Member States of demonstrated additional costs incurred by undertakings for the sole purpose of complying with requirements imposed by national measures implementing this Directive for the purposes as set out in the Directive may be necessary. In assessing the compatibility of such aids with the Treaty, the Commission will, inter alia, take due account of such necessity and of the benefits in terms of public security impact on society in general of the data retention obligations flowing from the Directive."

STATEMENT 40/06

Statement by the Commission on Article 15(1)

"The Commission recalls that the fundamental principles of necessity and proportionality govern the application of Article 15(1) of Directive 2002/58/EC and Article 11 of this Directive."

STATEMENT 41/06

Statement by the Republic of Poland on the withdrawal of its parliamentary scrutiny reservation

"Poland withdraws its reservation and supports the adoption of the Directive as a valuable instrument in combating crime. In lodging its reservation, Poland did not intend to block the adoption of this document. The reservation was the result of discussions conducted within the Polish parliament aimed at extending the period of retention of data beyond the limits laid down in Article 7 of the Directive. At the same time, the Polish delegation trusts that Article 12 of the Directive will be interpreted in such a way as to allow national solutions implementing the Directive to be tailored to the special nature of the fight against organised crime and to the internal requirements of the criminal policies of each Member State in this area."

STATEMENT 42/06

Statement by the Netherlands pursuant to Article 15(3)

"Regarding the Directive of the European Parliament and of the Council on the retention of data processed in connection with the provision of publicly available electronic communications services and amending Directive 2002/58/EC, the Netherlands will be making use of the option of postponing application of the Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail, for a period not exceeding 18 months following the date of entry into force of the Directive."

STATEMENT 43/06

Statement by Austria pursuant to Article 15(3)

"Austria declares that it will be postponing application of this Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail, for a period of 18 months following the date specified in Article 15(1)."

STATEMENT 44/06

Statement by Estonia to the Commission and the Council

"In accordance with Article 15(3) of the Directive of the European Parliament and of the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, Estonia hereby states its intention to make use of use that paragraph and to postpone application of the Directive to retention of communications data relating to internet access, internet telephony and internet e-mail until 36 months after the date of adoption of the Directive."

STATEMENT 45/06

Statement by the United Kingdom

"The United Kingdom declares in accordance with Article 15(3) of the Directive on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC that it will postpone application of that Directive to the retention of communications data relating to Internet Access, Internet telephony and Internet e-mail."

STATEMENT 46/06

Statement by the Republic of Cyprus pursuant to Article 15(3)

"The Republic of Cyprus declares that it is postponing application of the Directive in respect of the retention of communications data relating to Internet access, Internet telephony and Internet e-mail until the date fixed in Article 15(3)."

STATEMENT 47/06

Statement by the Hellenic Republic

"Greece declares that, pursuant to Article 15(3), it will postpone application of this Directive in respect of the retention of communications data relating to Internet access, Internet telephony and Internet e-mail until 18 months after expiry of the period provided for in Article 15(1)."

STATEMENT 48/06

Statement by the Grand Duchy of Luxembourg

"Pursuant to Article 15(3) of the Directive of the European Parliament and of the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, the Government of the Grand Duchy of Luxembourg declares that it intends to make use of Article 15(3) of the Directive in order to have the option of postponing application of the Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail."

STATEMENT 49/06

Statement by Slovenia

"Slovenia is joining the group of Member States which have made a declaration under Article 15(3) of the "Directive of the European Parliament and the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks", and amending Directive 2002/58/CE, for the 18 months postponement of the application of the Directive to the retention of communication data relating to Internet, Internet telephony and Internet e-mail."

STATEMENT 50/06

Statement by Sweden pursuant to Article 15(3)

"Pursuant to Article 15(3), Sweden wishes to have the option of postponing application of this Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail."

STATEMENT 51/06

Statement by the Republic of Lithuania on Article 15(3)

"Pursuant to Article 15(3) of the draft Directive of the European Parliament and of the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or public communications networks and amending Directive 2002/58/EC (hereafter the "Directive"), the Republic of Lithuania declares that once the Directive has been adopted it will postpone the application thereof to the retention of communications data relating to Internet Access, Internet telephony and Internet e-mail for the period provided for in Article 15(3)."

STATEMENT 52/06

Statement by the Republic of Latvia

"Latvia states in accordance with Article 15(3) of Directive 2006/.../EC of ... February 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC that it is postponing application of the Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail until ... 2009*.

* 36 months after the date of adoption of this Directive."

STATEMENT 53/06

Statement by the Czech Republic on Article 15

"Pursuant to Article 15(3), the Czech Republic hereby declares that it is postponing application of this Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail until 36 months after the date of adoption thereof."

STATEMENT 54/06

Statement by Belgium

"Belgium declares that, taking up the option available under Article 15(3), it will postpone application of this Directive, for a period of 36 months after its adoption, to the retention of communications data relating to Internet Access, Internet telephony and Internet e-mail."

STATEMENT 55/06

Statement by the Republic of Poland

"Poland hereby declares that it intends to make use of the option provided for under Article 15(3) of the *Directive of the European Parliament and of the Council on the retention of data processed in connection with the provision of publicly available electronic communications services and amending Directive 2002/58/EC* and postpone application of the Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail for a period of 18 months following the date specified in Article 15(1)."

STATEMENT 56/06

Statement by Finland

"Finland declares in accordance with Article 15(3) of the Directive on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC that it will postpone application of that Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail."

STATEMENT 57/06

Statement by Germany pursuant to Article 15(3)

"Germany reserves the right to postpone application of this Directive to the retention of communications data relating to Internet access, Internet telephony and Internet e-mail for a period of 18 months following the date specified in the first sentence of Article 15(1)."

STATEMENT 58/06

Statement on the deletion of Article 4(10)

"With regard to the application of Article 4 of the multiannual management plan for sole in the Bay of Biscay, Member States shall ensure that any renewal of fishing vessels which fish for sole with a special fishing permit or the permanent cessation of the activities thereof in conjunction with state aid is effected in accordance with the plan's objectives."

STATEMENT 59/06

Statement by the Council on the use of the word "penalties" in the English version of legal instruments of the European Community

"In the opinion of the Council, when the word "penalties" is used in the English version of legal instruments of the European Community, this word is used in a neutral sense and does not relate specifically to criminal law sanctions, but could also include administrative and financial sanctions, as well as other types of sanction. When Member States are obliged under a Community act to introduce "penalties", it is up to them to choose the appropriate type of sanction in conformity with the case law of the ECJ.

In the Community language database, the following translations are made of the word "penalties" in some other languages:

in Czech, "*sankce*", in Spanish, "*sanciones*", in Danish, "*sanktioner* ", in German, "*Sanktionen*", in Estonian, "*sanktsioonid*", in French, "*sanctions*", in Greek, "*κυρώσεις*", in Hungarian, "*jogkövetkezmények*", in Italian, "*sanzioni*", in Latvian, "*sankcijas*", in Lithuanian, "*sankcijos*", in Maltese, "*penali*", in Dutch, "*sancties*", in Polish, "*sankcje* ", in Portuguese, "*sanções*", in Slovenian, "*kazni*", in Slovak, "*sankcie*", in Finnish, "*seuraamukset*" and in Swedish, "*sanktioner*".

If, in revised English versions of legal instruments where the word "sanctions" has previously been used, this word is replaced with the word "penalties", this does not constitute a substantive difference."

FEBRUARY 2006	
OTHER ACTS	Votes made public
2707th Council meeting (Economic and Financial Affairs) on 14 February 2006	
Council Decision on the existence of an excessive deficit in the United Kingdom 5333/06 + REV 1 (hu) + REV 2 (lv) Council Decision on the release of information under the Agreement between the European Union and the former Yugoslav Republic of Macedonia on security procedures for the exchange of classified information 5010/06 Council Regulation amending Regulation (EC) No 1212/2005 imposing a definitive anti-dumping duty on imports of certain castings originating in the People's Republic of China 5546/06 Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Wines annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part 5269/06 + COR 1 (pt) + COR 2 (it) Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Spirit Drinks and Aromatised Drinks annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part 5274/06	Against: France, Portugal, Spain.

FEBRUARY 2006	
OTHER ACTS	Votes made public
Council Decision on the signature, on behalf of the European Community, and the provisional application of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol amending the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 15968/05, 5272/06 + ADD 1 Council Regulation amending Regulation (EC) No 533/2004 on the establishment of European partnerships in the framework of the stabilisation and association process 15673/05 Council Decision concerning the conclusion of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States of the one part, and the Republic of Lebanon, of the other part 10820/02 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 5844/06 • Council Common Position renewing restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova 5326/06 • Council Decision implementing Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova 5456/06 Council Opinion on the updated Stability Programme of Belgium 6323/06	

FEBRUARY 2006	
OTHER ACTS	Votes made public
Council Opinion on the updated Stability Programme of Luxembourg 6324/06	
Council Opinion on the updated Stability Programme of Austria 6325/06	
Council Opinion on the updated Convergence Programme of Estonia 6326/06	
Council Opinion on the updated Convergence Programme of Latvia 6327/06	
Council Opinion on the updated Convergence Programme of Slovenia 6328/06	
2708th Council meeting (Agriculture and Fisheries) on 20 February 2006	
Council Decision extending the period of application of Decision 82/530/EEC authorising the United Kingdom to permit the Isle of Man authorities to apply a system of special import licences to sheepmeat and beef and veal 5828/06	
Council Decision on the principles, priorities and conditions contained in the Accession Partnership with Croatia and repealing Decision 2004/648/EC 15672/05	
Council Joint Action extending the mandate of the European Union Special Representative for Central Asia and amending Joint Action 2005/588/CFSP 5114/06	

FEBRUARY 2006	
OTHER ACTS	Votes made public
Council Joint Action extending the mandate of the European Union Special Representative for the Middle East peace process 5116/06	
Council Joint Action extending the mandate of the European Union Special Representative for Moldova 5117/06	
Council Joint Action appointing the European Union Special Representative for the South Caucasus 5119/1/06 + REV 1 COR 1 (en) + REV 1 COR 2 (en) + REV 1 COR 3 (el) + REV 1 COR 4 (da) + REV 1 COR 5 (pl)	
Council Joint Action extending the mandate of the Special Representative of the European Union for the African Great Lakes Region 5121/06	
Council Joint Action extending and amending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia 5145/06	
Council Joint Action extending the mandate of the Special Representative of the European Union for Afghanistan 5189/06	

FEBRUARY 2006	
OTHER ACTS	Votes made public
2709th Council meeting (Justice and Home Affairs) on 21 February 2006 - Council Decision on the conclusion of the Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention 15753/05 + COR 1 + COR 2 (en) - Council Decision on the conclusion of a Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway 15755/05, 8479/05 Council Regulation imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri 5722/06 + COR 1 2710th Council meeting (Education, Youth and Culture) on 23 February 2006 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC 13274/05 + ADD 1, 6207/06 + ADD 1 "Modernising education and training: a vital contribution to prosperity and social cohesion in Europe" 2006 joint interim report of the Council and the Commission on progress under the "Education & Training 2010" work programme 7022/06	

FEBRUARY 2006	
OTHER ACTS	Votes made public
Contribution of the Council to the Spring European Council on the implementation of the European Pact for Youth - Adoption of Council conclusions 5708/1/06 REV 1 2711th Council meeting (General Affairs and External Relations) on 27 February 2006 Council Decision amending Decision 2000/24/EC in order to include the Maldives in the list of countries covered, following the Indian Ocean tsunamis of December 2004 6027/06 • Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Thailand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union 5556/06 • Council Regulation concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Thailand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff 5557/06 + COR 1 (da)	

FEBRUARY 2006	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of an Agreement between the Community and the Swiss Confederation in the audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the MEDIA Plus and MEDIA Training Community programmes, and a final Act 14241/05, 13270/04 + COR 2 Council Decision on the conclusion, on behalf of the European Community, of the Agreement between the European Community and the Swiss Confederation concerning the latter's participation in the European Environment Agency and the European Environment Information and Observation Network 14242/05, 13358/04 Council Decision on the conclusion of the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics 13168/04 + COR 1, 13167/04 Council Decision on the conclusion, on behalf of the European Community and its Member States, of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, pursuant to their accession to the European Union 12585/04, 12582/04 + COR 1 + COR 1 (hu) Council Regulation amending Council Regulation (EC) No 1676/2001 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate film originating, inter alia, in India and terminating the partial interim review of the anti-subsidy measures applicable to imports of polyethylene terephthalate (PET) film originating, inter alia, in India 6315/06 + REV 1 (en)	

FEBRUARY 2006	
OTHER ACTS	Votes made public
Council Regulation amending Regulation (EC) No 1676/2001 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating, inter alia, in India 6318/06 + REV 1 (en)	Abstention: Czech Republic
Council Regulation imposing a definitive countervailing duty on imports of polyethylene terephthalate (PET) film originating in India following an expiry review pursuant to Article 18 of Regulation (EC) No 2026/97 6321/06	Abstention: Sweden
Council Regulation repealing Council Regulation (EEC) No 1461/93 concerning access to public contracts for tenderers from the United States of America 6429/06	
Council Decision on a Community position within the EU-Chile Association Council on the amendment of Annex I to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take into account the consolidation of the tariff preferences granted to Chile by the Community scheme of generalised tariff preferences (GSP) 5941/1/06 REV 1	
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 6166/06	
Council Decision implementing Common Position 2004/852/CFSP concerning restrictive measures against Côte d'Ivoire 6157/06	

FEBRUARY 2006	
OTHER ACTS	Votes made public
Council Decision concerning the extension of the agreement in the form of an Exchange of Letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission – AMM) and its personnel 5900/06 + REV 1 (el) + REV 2 (nl) + REV 3 (fi) + REV 4 (sv) + REV 5 (hu) + REV 6 (lt) + REV 7 (mt) Council Joint Action amending and extending Joint Action 2005/643/CFSP on the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission – AMM) 5901/06 + REV 1 (el) + REV 2 (nl) + REV 3 (fi) + REV 4 (mt) Council Joint Action in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction 5821/06 Council Regulation establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community 14101/04 + COR 1	
