

8566/04 (Presse 115)

2576th Council meeting
- GENERAL AFFAIRS -
Luxembourg, 26 April 2004

President : **Mr Brian COWEN, TD**
Minister for Foreign Affairs of Ireland

- * The 2577th meeting on External Relations is the subject of a separate press release
(8567/04 Presse 116)

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- *Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.*
- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
- *Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the above mentioned Council Internet site or may be obtained from the Press Office.*

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PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium :

Mr Louis MICHEL

Deputy Prime Minister and Minister for Foreign Affairs

Denmark :

Mr Carsten SØDERGAARD

Secretary of State

Germany :

Mr Joschka FISCHER

Federal Minister for Foreign Affairs and Deputy Federal Chancellor

Greece :

Mr Petros MOLYVIATIS

Minister for Foreign Affairs

Spain :

Mr Miguel Angel MORATINOS CUYAUBÉ

Minister for Foreign Affairs

France :

Mr Michel BARNIER

Minister for Foreign Affairs

Ireland :

Mr Dick ROCHE

Minister of State at the Department of the Taoiseach and at the Department of Foreign Affairs with responsibility for European Affairs

Italy :

Mr Roberto ANTONIONE

State Secretary for Foreign Affairs

Luxembourg :

Ms Lydie POLFER

Deputy Prime Minister, Minister for Foreign Affairs and Foreign Trade, Minister for the Civil Service and Administrative Reform

Netherlands :

Mr Bernard BOT

Minister for Foreign Affairs

Austria :

Ms Benita FERRERO-WALDNER

Federal Minister for Foreign Affairs

Portugal :

Mr Carlos COSTA NEVES

State Secretary for European Affairs

Finland :

Mr Erkki TUOMIOJA

Minister for Foreign Affairs

Sweden :

Ms Laila FREIVALDS

Minister for Foreign Affairs

United Kingdom :

Mr Jack STRAW

Secretary of State for Foreign and Commonwealth Affairs

* * *

Commission :

Mr António VITORINO

Member

Mr Günter VERHEUGEN

Member

* * *

General Secretariat of the Council :

Mr Javier SOLANA

Secretary -General/High Representative for the CFSP

The Governments of the Acceding States were represented as follows:**Czech Republic** :

Mr Jan KOHOUT

Deputy Minister for Foreign Affairs

Estonia :

Ms Kristiina OJULAND

Minister for Foreign Affairs

Cyprus :

Mr George IACOVOU

Minister for Foreign Affairs

Latvia :

Mr Rihards PIKS

Minister for Foreign Affairs

Lithuania :

Mr Antanas VALIONIS

Minister for Foreign Affairs

Hungary :

Mr András BÁRSONY

Secretary of State

Malta:

Mr John DALLI

Minister of Foreign Affairs and Investment Promotion of Malta

Poland :

Mr Włodzimierz CIMOSZEWICZ

Minister for Foreign Affairs

Slovenia :

Mr Dimitrij RUPEL

Minister for Foreign Affairs

Slovakia :

Mr Eduart KUKAN

Minister for Foreign Affairs

ITEMS DEBATED**PROGRESS OF WORK IN OTHER COUNCIL CONFIGURATIONS**

The Council took note of a progress report from the Presidency on work under way in its various configurations, covering meetings held since the last report on 22 March (8509/1/04 REV 1).

The Presidency's report highlights progress made by the Justice and Home Affairs Council on 30 March as regards compensation to crime victims and on minimum standards for the qualification of third country nationals as refugees. At a further meeting on 29 and 30 April, the JHA Council is due to complete work on the mutual recognition of confiscation orders and on minimum standards for procedures for granting and withdrawing refugee status.

Work on combating terrorism will continue in all relevant Council configurations, in line with the Declaration on terrorism adopted by the European Council on 25 March.

The report also highlights the results of the Agriculture and Fisheries Council at its meetings on 22 and 23 March and 21 and 22 April.

INTERGOVERNMENTAL CONFERENCE

The Council was informed by the Presidency of its plans for the relaunch of the Intergovernmental Conference on the draft EU Constitutional Treaty, involving a meeting of the IGC in the margins of the Council meeting on 17 and 18 May.

In March, the European Council requested the Presidency to continue consultations and as soon as appropriate arrange for the resumption of formal negotiations. It decided that agreement on the Constitutional Treaty should be reached no later than the European Council meeting on 17 and 18 June.

ENLARGEMENT

– Implementation of EU rules by the Accession States

The Council took note of an assessment provided by Commissioner Günther Verheugen of the state of preparedness of the ten Accession States (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) for membership of the European Union as from 1 May.

Acknowledging the efforts made by the Acceding States to address the remaining areas of concern, the Commissioner confirmed that implementation of the EU's rules and policies is satisfactory and that no safeguard measures will be necessary at this stage, pending a definitive assessment once they have joined.

The Council noted that the monitoring of the Acceding States' preparations is now concluded and that the Commission will continue to play its role in safeguarding the implementation of EU policies.

– **Cyprus - Council conclusions**

Over lunch, Ministers held an exchange of views on the situation in Cyprus following the referendum on the United Nations settlement plan on 24 April.

The Council adopted the following conclusions:

"The Council noted the results of the referenda in Cyprus on 24 April 2004 and expressed its strong regret that the accession to the EU of a united Cyprus will not now be possible on 1 May. The Council expressed its deep appreciation for the determined and sustained efforts of UN Secretary General Kofi Annan and his colleagues in the search for a comprehensive solution of the Cyprus problem. The Council also welcomed the contribution made by Greece and Turkey. It expressed its determination to ensure that the people of Cyprus will soon achieve their shared destiny as citizens of a united Cyprus in the European Union.

The Turkish Cypriot community have expressed their clear desire for a future within the European Union. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invited the Commission to bring forward comprehensive proposals to this end, with particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU. The Council recommended that the 259 million euro already earmarked for the northern part of Cyprus in the event of a settlement now be used for this purpose.

The Council asked Coreper to expedite discussion on the Regulation on a regime under Article 2 of Protocol 10 of the Act of Accession with a view to its adoption before 1 May, taking due account of the Council's desire to send a signal of encouragement to the Turkish Cypriot community that its future rests in a united Cyprus within the European Union."

ITEMS APPROVED WITHOUT DEBATE

EXTERNAL RELATIONS

Burma/Myanmar – Renewal of sanctions against the military regime

The Council adopted a Common Position and a Regulation renewing sanctions against the military regime in Burma/Myanmar, extending measures that were due to expire on 29 April without either strengthening or weakening the effect of the sanctions (8315/04 and 8316/04).

The texts are adjusted to bring them into line with recently agreed drafting guidelines, renewing the measures already in place at the same level as applied last year. A visa ban and a freeze on assets is imposed both on members of Burma's State Peace and Development Council, on government ministers, senior members of the military, members of the United Solidarity and Development Association, state-owned economic enterprises, and on beneficiaries of the government's economic policy and members of their families. The sanctions also include a ban on technical assistance, on financing and financial assistance related to military activities, and on the export of equipment that might be used for internal repression.

EU-South Africa - Trade, Development and Co-operation Agreement - Wines and spirits

The Council adopted a Decision approving the conclusion of a Trade, Development and Co-operation Agreement with South Africa, and authorised the Commission to open negotiations with South Africa on adapting the Agreement in order to cover the EU's ten new Member States.

Signed in October 1999, the Agreement is already applied provisionally, under Decision 1999/753. It has the following objectives:

- providing an appropriate framework for dialogue and promoting the development of close relations;
- supporting the efforts made by South Africa in consolidating the economic and social foundations of its transition process;
- promoting regional co-operation and economic integration in southern Africa;
- promoting the expansion and reciprocal liberalisation of mutual trade in goods, services and capital;
- encouraging the smooth and gradual integration of South Africa into the world economy;
- promoting co-operation between the parties.

The Council also authorised the Commission to open negotiations with South Africa on adapting EU-South Africa agreements on wine and spirits in order to cover the EU's ten new Member States, and approved negotiating directives to this effect.

The negotiations will in particular involve adjustments to the lists of protected Community names to include names of wine and spirits used in the new Member States.

Palestinian Authority – Interim Association Agreement

The Council authorised the Commission to negotiate with the Palestine Liberation Organisation, acting on behalf of the Palestinian Authority of the West Bank and the Gaza Strip, the revision of agriculture protocols to the EU's Interim Association Agreement with the PLO. It also approved negotiating directives to this effect.

European Economic Area - Amendments to EEA Agreement

The Council approved a series of draft Decisions to be adopted by the EEA Joint Committee with the aim of updating various Annexes and Protocols to the Agreement on the European Economic Area, which encompasses Iceland, Liechtenstein and Norway and the European Union (7494/04, 7531/04, 7539/04, 7542/04, 7609/04, 7613/04, 7619/04 and 7626/04).

The draft Decisions are aimed at integrating Community legislation on technical regulations, standards, testing and certification, financial services, co-operation in specific fields outside the four freedoms, statistics and transport into the EEA Agreement.

Relations with Switzerland - Professional qualifications

The Council approved a draft Decision, to be adopted by the relevant EU-Switzerland Joint Committee, aimed at integrating Community legislation on the mutual recognition of professional qualifications into the EU-Switzerland Agreement on the Free Movement of Persons (7808/04).

DEVELOPMENT CO-OPERATION

ACP-EC Partnership Agreement – Water Facility

The Council adopted a Decision establishing the position to be adopted by the Community within the ACP-EC Council of Ministers as regards a draft Decision on the use of financial resources for the establishment of an ACP-EU Water Facility (8421/04).

The draft Decision provides for the use of the reserve of the long-term development envelope as well as resources from the investment facility of the ninth European Development Fund.

ACP-EC Partnership – Centre for the Development of Enterprise *

The Council approved a draft Decision, to be adopted by the ACP-EC Committee of Ambassadors, on adjustment of the remuneration scale and taxable amounts for the staff of the Centre for the Development of Enterprise (CDE) (8421/04).

World Summit on Sustainable Development - Council conclusions

The Council adopted the following conclusions:

- "1. Recalling its contribution to the Spring European Council, the Council welcomes the Communication on the follow-up of the World Summit on Sustainable Development (WSSD) which reflects the European Union (EU)'s political commitment to achieving the objectives agreed at Johannesburg. It recalls also that new, quantifiable and timebound commitments were agreed at WSSD and that their full and timely implementation will have a direct and crucial impact on the economic, social and environmental situation, especially of developing countries.
2. Our response to the Johannesburg Plan of Implementation (JPOI) is an integral part of the EU's efforts to support sustainable development and poverty eradication: taken together with the commitments made by the EU in the context of the Monterrey Conference and the work towards a positive outcome of the Doha Development Agenda (DDA), it is an essential element of the EU's contribution towards a global partnership for achieving the Millennium Development Goals (MDGs), the goals endorsed at WSSD and the other internationally agreed development goals.
3. Together with the review of the EU's Sustainable Development Strategy, incorporating the external dimension of sustainable development, this Communication will be an important input to the EU's preparation for the major UN event to review the implementation of the Millennium Declaration and the outcomes of and commitments of the major related United Nation Conferences and Summits in 2005.
4. This Communication will also be a key instrument in the EU outreach and communication strategy, which is implemented inter alia through its Green Diplomacy Network, established by the Thessaloniki European Council, that aims at promoting existing EU positions and achievements with regard to sustainable development, and at integrating these into external relations.
5. The Council welcomes the steps taken towards improved coherence between EU internal and external policies and stresses the need for further progress in this area to facilitate an integrated follow-up to the WSSD, Doha and Monterrey in support of efforts to achieve *inter alia* internationally agreed development goals, in particular the MDGs.
6. The Council reaffirms the Union's commitment to support a positive sustainable outcome within the framework of the DDA, and confirms its willingness to enhance the contribution of trade to sustainable development through complementary actions. In this context, it stresses the importance of continuing support to the poorest countries, especially the least developed countries (LDCs), in the area of trade related assistance, and welcomes the forthcoming establishment by the Commission of a Trade Helpdesk, to provide exporters in developing countries with technical information concerning access to EU markets.

7. The Council notes that the health-related MDGs are not given appropriate weight in the present Communication. It underlines that health is a key determinant of sustainable development and recalls the commitments in the MDGs to reduce child mortality, improve maternal health and combat HIV/AIDS and the other communicable diseases. In this context, it reaffirms the importance of its Programme of Action and of the Global Fund in fighting HIV/AIDS, malaria and tuberculosis.
8. The Council underlines that sustainable management of natural resources and biodiversity concerns are not sufficiently reflected in the Communication. Sustainable use of natural resources and conservation of biodiversity are also a pre-requisite for poverty reduction and should be reflected as appropriate in PRSPs and other frameworks and national strategies. In this context, access to and a fair and equitable sharing of benefits arising out of the utilisation of genetic resources are of major importance to the developing countries as a means of generating revenue and reducing poverty.
9. Continuous monitoring and regular reporting on progress by the EU in its implementation of WSSD commitments are crucial, and should be provided for at regular intervals in the future, with particular focus on implementation gaps. Whenever possible, monitoring should use MDG indicators as contained in the Report of the UN Secretary General titled "Road map towards the implementation of the United Nations Millennium Declaration" of 6 September 2001, while promoting also further work on indicators for sustainable development in conformity with the JPOI. Effective follow-up to WSSD will require the concerted efforts of the Commission and the 25 Member States of the enlarged EU working in particular with the UN Commission on Sustainable Development (CSD), which should provide the international community with political orientations in support of improved implementation of the JPOI..
10. The Council notes the need for improved monitoring in developing countries and for expanded United Nations Development Programme (UNDP) country reports covering MDG 7 ("to ensure environmental sustainability") and the WSSD targets.
11. The Council stresses that further efforts are required to improve good governance and participation at all levels for sustainable development and to strengthen effective multilateralism, including the International environmental governance, and, in this context, recalls the importance of the Cotonou Partnership Agreement and the role of UNEP. At the country level, the Council underlines the importance of working with national authorities to elaborate and implement national strategies for sustainable development, where applicable to be formulated as poverty reduction strategies (PRSs).

Regarding the European Union Partnership Initiatives launched at the WSSD, the Council:

12. Underlines the need to provide adequate financing to support the partnership initiatives launched by the EU at WSSD. Follow up and implementation of the Monterrey commitments on financing for development are of key importance in this regard: there is also a need to identify additional sources of finance for development, including private financing, and to build on the development of innovative public-private partnerships.

13. Stresses the importance of building national ownership through dialogue with all stakeholders in partner countries at the national and regional level, including the New Partnership for Africa's Development (NEPAD), and of highlighting the important role of water, energy and forests in national and regional PRSs. In this context, the ongoing Mid Term Review process will provide a good opportunity to better integrate these issues as appropriate into EC Country Strategy Papers as well as Regional Strategy Papers, including through building technical capacity in country, in full accordance with the principle of ownership.

With regard to the EU Water Initiative (EUWI), the Council:

14. Requests Member States and the Commission to continue to work together with beneficiaries and partners at national and regional level to further develop the EUWI in support of the achievement of MDGs, JPOI targets and targets on access to water and sanitation and integrated water resources management.
15. Calls for improved coordination by the Commission and the Member States of the EUWI to ensure effective participation of all stakeholders (Member States, Commission, partner countries, private sector and civil society) and for closer coordination of the initiative with other relevant sectoral programmes.
16. Calls for a sustained engagement by the Commission and the Member States in the implementation of the Africa-EU Strategic Partnership on water affairs and sanitation, in collaboration with the African Ministerial Council on Water and NEPAD, and of the other regional components and cross-cutting issues of the Initiative (Eastern Europe, Caucasus and Central Asia, Mediterranean, Latin America, finance, research, monitoring and information).

With regard to the EU Energy Initiative (EUEI), the Council:

17. Underlines the importance to development, and in particular to local economic development, of access to clean and affordable energy, and its potential to contribute to poverty eradication and the achievement of the MDGs.
18. Requests that the Commission and the Member States strengthen and coordinate more effectively their efforts to facilitate the application of a coherent approach at country and regional level, ensuring that these efforts are linked to national development strategies, including PRSs. Coordination with other initiatives in the sector such as the 2004 Bonn International Conference for Renewable Energies is also essential. Member States are encouraged to contribute to a successful outcome of the conference.
19. Recognises that a strengthened involvement of Commission and the Member States in the sector is necessary in order to respond to developing countries' priorities as expressed at the Nairobi Conference organised by the EUEI, where areas for urgent action were identified; and requests the Commission to take the lead in ensuring follow-up to this Conference, among others by initiating necessary improvements in scope, structures and financing of the EUEI.

With regard to the EU Initiative for Forest Law Enforcement, Governance and Trade (FLEGT), the Council:

20. Stresses the need to continue work on implementation of the EU Action Plan for FLEGT, and thereby contribute to the achievement of the MDGs and targets concerning environmental sustainability.
21. Welcomes the launch of the Africa Ministerial Process for Forest Law Enforcement and Governance (AFLEG) and encourages further EU support to regional processes to build political will to combat illegal logging and associated trade.
22. Looks forward to receiving by mid-2004 the Commission's report and proposals with regards to:
 - discussions with timber producing countries and regional organisations concerning the possibilities for developing voluntary Partnership Agreements, with a view to strengthening governance in the partner countries, and eliminating imports of illegally harvested timber into the EU;
 - implementing the FLEGT Action Plan, as set out in the Council Conclusions of October 2003."

World Summit on the Information Society (WSIS) - Council conclusions

The Council adopted the following conclusions:

"The Council recalls its Conclusions of 8 March 2004² on the Follow-up to the Geneva Summit of the World Summit on the Information Society (WSIS).

In the preparatory process for Phase II of the World Summit on the Information Society, which will take place in Tunisia in November 2005, the EU is determined to play an active role in pursuit of a successful outcome to the second phase.

The EU reaffirms its expectation that all states and institutions taking part in the WSIS process will respect fully the Declaration of Principles agreed in Geneva on 10-12 December 2003. The Declaration reaffirms inter alia the right to freedom of opinion and expression including the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Council recalls that the Plan of Action has identified, inter alia, national development policies and national e-strategies, including greater use of public private partnerships, as essential foundations for the Information Society. The EU will continue to work closely with all partners and stakeholders, particularly with developing and least developed countries.

² Doc. 6722/1/04 REV 1 TELECOM 40 DEVGEN 50 CONUN 10.

Concurrent with the increased focus that developing countries, bilateral donors and international organisations are putting on the potential of ICTs to contribute to the achievement of internationally agreed development goals, including those in the Millennium Declaration, the EU will address the Digital Solidarity Agenda. The EU is committed to making a substantial contribution to the deliberations of the Task Force on Financial Mechanisms and the Working Group on Internet Governance.

The Council reaffirms the EU's positive engagement in the WSIS preparations, and requests a short strategy paper which would outline the Union's overarching approach to the various aspects of the preparatory process, including the EU priorities for the deliverables in Phase II.

The EU believes that to be effective this preparatory process should be lightly structured, simple and transparent, and the strategy paper should reflect this view."

EXTERNAL TRADE

Anti-dumping - Thailand - Polyethylene terephthalate

The Council adopted two Regulations, amending Regulation 2603/2000 and Regulation 2604/2000 as regards anti-subsidy and anti-dumping duties imposed on imports of polyethylene terephthalate from Thailand, following evidence submitted by third party (7689/04 and 7692/04).

The Commission received from a Thai producer a request to initiate an accelerated review of the two Regulations, which provide for protection for EU producers against subsidised and dumped imports of polyethylene terephthalate from a number of third countries.

Anti-dumping - Brazil, China, Czech Republic, Japan, Korea, Thailand - Pipe fittings

The Council adopted a Regulation amending Regulation 1784/2000 on anti-dumping duties imposed on imports of malleable cast iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand (7791/04).

Anti-dumping - Russia - Silicon

The Council adopted a Regulation amending Regulation 2229/2003 on anti-dumping duties imposed on imports of silicon from Russia (7843/04).

Anti-dumping - Japan - Television camera systems

The Council adopted a Regulation amending Regulation (EC) No 2042/2000 regarding an anti-dumping duty on imports of television camera systems from in Japan (7877/04).

Tuna, swordfish imports - Equatorial Guinea, Sierra Leone, Bolivia, Cambodia, Georgia

The Council adopted three Regulations, prohibiting imports of Atlantic blue-fin tuna from Equatorial Guinea and Sierra Leone, imports of Atlantic big eye tuna from Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and imports of Atlantic swordfish from Sierra Leone (6698/04, 6702/04 and 6709/04).

The Regulations implement recommendations made by the International Commission for the Conservation of Atlantic Tunas, to which the Community is a contracting party.

EU–Mexico relations - Tuna loin imports

The Council approved a draft Decision to be adopted by the EU-Mexico Joint Council on introduction of a preferential tariff rate quota for EU imports of tuna loins from Mexico (7738/04).

INSTITUTIONAL AFFAIRS

European Commission - Nomination of Joaquín ALMUNIA AMANN and Jacques BARROT

The Council adopted Decisions appointing Mr Joaquín ALMUNIA AMANN and Mr Jacques BARROT as Commissioners until 31 October, as designated by the Spanish and French governments, respectively, following the resignation of Pedro SOLBES and Michel BARNIER (8222/04 and 8216/04).

Court of Justice

The Council adopted a Decision amending Articles 51 and 54 of the Protocol on the Statute of the Court of Justice, in order to define the respective jurisdictions of the Court of Justice and the Court of First Instance (8825/04).

GENERAL AFFAIRS

Enlargement – Adaptations to the *acquis*

The Council adopted a Directive and a Regulation adapting various acts of Community legislation in the fields of the free movement of goods, the provision of services, company law, agriculture policy, transport policy, taxation, education and training, culture and audiovisual policy and external relations by reason of the accession of ten new Member States to the EU on 1 May (7570/04 and 7567/04).

The relevant legislation remains valid beyond 1 May; the adjustments - which were either not provided for in the Act of Accession, or were provided for but needed further adaptation - needed to be adopted before 1 May so as to be applicable as from the date of accession.

Transparency - Public access to documents

The Council adopted its annual report on the implementation in 2003 of Regulation 1049/2001 on public access to Parliament, Council and Commission documents (8036/04).

The report shows that during the course of 2003, the Council received 2 831 requests for access from the public concerning 12 595 documents and that it gave access (total or partial) to 87,4 % of requested documents.

The report presents all the regulatory, administrative and practical adjustments made by the Council in order to comply with the Regulation. By 31 December 2003, its public register of documents referred to 467 532 documents, and the content of 249 935 of these documents could be accessed directly.

In addition, the report highlights the key developments in 2003, the second year of the Regulation's implementation, as regards:

- Extension of the Regulation's scope of application to cover Community agencies and bodies;
- Activities of the inter-institutional committee on public access to documents;
- Preparation and launch of a pilot project on transparency in the field of justice and home affairs.

The report also reviews complaints submitted to the European Ombudsman and cases brought before the Court of First Instance regarding access to Council documents.
