



COUNCIL OF
THE EUROPEAN UNION

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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
MARCH 2003

This document gives:

- in **Annex I**, a list of legislative acts finally adopted by the Council in March 2003. This is accompanied by any statements for the minutes which may be released to the public (**Annex II**). The list also shows any opposing votes and abstentions, voting explanations and voting rules applicable;

in **Annex III**, a list of other acts adopted by the Council in March 2003¹, showing any relevant voting results, voting explanations 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 final adoption of legislative acts are authoritative. Extracts from the minutes in question may be obtained from the transparency section ("transparency@consilium.eu.int").

¹ Except for some acts of limited interest, such as procedural decisions, appointments, decisions of bodies set up by international agreements or minor budgetary decisions.

MARCH 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2491st Council meeting (Environment), on 4 March 2003 Directive of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC	PE-CONS 3676/02 + COR 1 (fr) + COR 2 (de) + COR 3 (da) + REV 1 (fi) + REV 2 (pt)	26/03	Qualified majority
2492nd Council meeting (Employment, Social Policy, Health and Consumer Affairs), on 6 March 2003 Council Regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement	5482/03		Unanimity

MARCH 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2494th Council meeting (Agriculture and Fisheries), on 17 and 18 March 2003 Council Regulation authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999 Directive of the European Parliament and of the Council amending Council Directive 98/18/EC on safety rules and standards for passenger ships Directive of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships Regulation of the European Parliament and of the Council on the prohibition of organotin compounds on ships Written procedure completed on 18 March 2003 Council Decision concerning the non-inclusion of aldicarb in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance	5484/1/03 REV 1		Opposed by I Qualified majority
	PE-CONS 3678/02 + COR 1 (fi)	27/03 and 28/03	Qualified majority
	PE-CONS 3679/02 + COR 1 (nl)		Qualified majority
	PE-CONS 3674/02	29/03	Qualified majority
	7276/03 + COR 1	30/03, 31/03 and 32/03	Opposed by D, L and S Abstention by A Qualified majority

MARCH 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2499th Council meeting (Transport, Telecommunications and Energy), on 27 and 28 March 2003 Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products	PE-CONS 3601/03 + COR 1 (fi) + COR 2 (sv) + COR 3 (it) + COR 4 (de) + ADD 1	33/03, 34/03, 35/03 and 36/03	Opposed by D and UK Qualified majority

STATEMENT 26/03

Statement by the Commission

"With reference to the Commission work programme for 2003, the Commission confirms its intention to present a proposal for a Directive addressing the implementation of the Aarhus Convention in respect of access to justice in environmental matters, which is envisaged for the first quarter of 2003."

STATEMENT 27/03

Statement by the Greek delegation

Re Article 2:

"Greece considers that the deletion of point (g) of Article 6(3) of Directive 98/18/EC with effect from 1 January 2005 will have implications for the operation of domestic voyages between ports in Greek territory and for the activities of existing ships which will remain after that date in the Annex to Commission Decision 1999/461/EC of 24 June 1999.

In view of the political agreement on the deletion of the abovementioned point on 31 December 2005, reached in the Council on 17 June 2002 (10751/02 MAR 102 of 15 July 2002), Greece intends to submit to the Commission a request on the basis of the provisions of Directive 98/18/EC in order to enable the abovementioned ships to continue to operate on Greek domestic voyages until 31 December 2005."

STATEMENT 28/03

Statement by the Commission

"The Commission notes the declaration made by the Greek Government in relation to the implications that the deletion of point (g) of Article 6(3) with effect from 1 January 2005 may have for a very small number of ships among those appearing in the Commission Decision 1999/461/EC ¹ of 24 June 1999. The Commission notes the intention of the Greek Government to submit a request for a time-limited exemption of such ships from certain requirements of Directive 98/18/EC, in accordance with Article 7(3).

In the event of such notification, the Commission will examine it with the appropriate priority, taking into account the relevant provisions of Article 7(3) and (4) of Directive 98/18/EC."

¹ Notified under document number C(1999) 1712, OJ L 180, 15.7.1999.

STATEMENT 29/03

Statement by the Council and the Commission

"The Council and the Commission consider it to be of utmost importance that the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS Convention) is ratified and enters into force at the earliest possible opportunity, in order to ensure a global prohibition of the application of organotin compounds which act as biocides in anti-fouling systems on ships.

Recalling paragraph 33 of the Plan of Implementation agreed upon at the Johannesburg World Summit on Sustainable Development, the Council and the Commission consider that the adoption of the present Regulation may facilitate the early ratification and entry into force of the AFS Convention. The three-month period provided for between the entry into force and the application of the Regulation at EC level, at the latest on 1 July 2003, is to allow the putting into place of administrative means to implement it. During this period, it might be expected that a further number of countries will be able to ratify the AFS Convention. Even though the date of 1 January 2003 could not be upheld, owing to the procedures necessary for the adoption of the Regulation, the Council and the Commission stress the need to apply the prohibition at the earliest date possible."

STATEMENT 30/03

Statement by the Council

"The Council calls on the Commission to keep a constant watch on the use of aldicarb for essential purposes pursuant to Article 2(3), in particular on the basis of the data supplied under the last subparagraph of Article 2(3), and take any measures necessary by 2005."

STATEMENT 31/03

Statement by the United Kingdom, French, Portuguese, Spanish, Italian and Irish delegations on the non-inclusion of aldicarb in Annex I to Directive 91/414/EEC

"The United Kingdom, France, Portugal, Spain, Italy and Ireland note the non-inclusion of aldicarb in Annex I to Directive 91/414/EEC and the decision to allow aldicarb to be used for a number of essential purposes under strict controls.

Whilst supporting the aims of the EU pesticide review programme, to raise protection standards for workers, consumers and the environment, and noting the aims of the sixth environmental action programme in relation to pesticides, which refer to consistency with necessary crop protection, these delegations call on the Commission to take a more comprehensive approach to the assessment of plant protection products.

The United Kingdom, France, Portugal, Spain, Italy and Ireland are particularly concerned about the dwindling number of insecticides and the fact that very few replacement chemicals have been approved. These delegations believe that mechanisms need to be found in order to maintain a minimum number of compounds to sustain the production of key crops until better means of pest control can be developed. They believe that the current individual assessment of substances in isolation could eventually result in serious gaps in the plant protection armoury.

As one potential mechanism, the United Kingdom, France, Portugal, Spain, Italy and Ireland call on the Commission to consider a system of comparative assessment, at Member State/EU level, of plant protection product compounds, thus allowing for a more balanced and pragmatic approach to decisions on future compounds."

STATEMENT 32/03

Statement by the German delegation

"Germany supports the original Commission proposal of 17 December 2002 on the non-inclusion of aldicarb in Annex I to Directive 91/414/EEC and cannot therefore agree to the compromise proposal put forward.

Aldicarb does not satisfy the requirements of Directive 91/414/EEC, and this has long been recognised. Owing to the proven harmful effects on the environment, in particular the risk to groundwater, Germany has for many years refrained from using plant protection products containing this substance.

Substances the harmful effects of which have been demonstrated through EU testing should not be authorised for any "essential uses".

A decision on aldicarb in accordance with the compromise proposal could be regarded as a precedent for forthcoming decisions and would undermine the objective of harmonising the availability of plant protection products by 2008.

The granting of the transitional period provided for in the compromise proposal for substances which have long been "on hold" awaiting EU assessment and which are expected to have harmful effects on human and animal health, groundwater or the environment is contrary to the objectives of Directive 91/414/EEC."

STATEMENT 33/03

Statement by the Commission re Article 2

"This Directive aims at banning advertising, i.e. any form of communication designed to promote tobacco products through the press, radio and information society services.

This Directive respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, as recalled in recital 18 of the Directive, and in particular by Article 11 thereof and Article 10 of the European Convention on Human Rights. In this regard, this Directive does not in any way affect Sweden's right to apply its constitutional rules relating to freedom of the press and freedom of expression in the media."

STATEMENT 34/03

Statement by the Commission re Article 3

"The Commission will follow closely the implementation of this Directive. In particular, the Commission will verify whether the exceptions laid down in Article 3(1) of this Directive give rise to circumvention of the tobacco advertising ban provided for in the Directive. Should that be the case, the Commission will propose the necessary amendments to the Directive.

The Commission will also follow very closely the potential obstacles to the functioning of the internal market that may result from differences in Member States' legislation regarding sponsorship in or of the printed media and information society services, with a view to promoting tobacco products, and if necessary will propose the appropriate amendments to the Directive."

STATEMENT 35/03

Statement by the Commission re Article 8

"Subject to the Treaty, Member States retain the competence to regulate matters relating to tobacco advertising and sponsorship that fall outside the scope of this Directive, such as indirect advertising and sponsorship of events or activities without cross-border effect."

STATEMENT 36/03

Statement by the Austrian delegation

"Austria would point out that long-term agreements have been concluded, particularly in the field of sponsorship of events or activities organised worldwide. As no transitional period has been set for this specific form of sponsorship, the possibility of legal disputes cannot be excluded."

MARCH 2003	
OTHER ACTS	Votes made public
2490th Council meeting (COMPETITIVENESS (Internal Market, Industry and Research)), on 3 March 2003 Council Regulation on a transitional product-specific safeguard mechanism for imports originating in the People's Republic of China and amending Council Regulation (EC) No 519/94 on common rules for imports from certain third countries 5619/03 Council conclusions on the promotion of entrepreneurship and small firms 6542/03 + REV 1 (el)	Opposed by NL
2491st Council meeting (Environment), on 4 March 2003 Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on transboundary movements of genetically modified organisms 15546/02 + COR 1 (de,da,en,fi,fr,el,it,nl,pt,sv) + ADD 1	Abstention by D and I
2492nd Council meeting (Employment, Social Policy, Health and Consumer Affairs), on 6 March 2003 Council Regulation on measures that the Community may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures 6194/03 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste 14843/02 + COR 1 (fr) + COR 2 + COR 3 (da) + COR 4 (fr) + ADD 1 + ADD 1 COR 1 (fr) + ADD 1 COR 2 (da)	

MARCH 2003	
OTHER ACTS	Votes made public
Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) 15090/02 + COR 1 (en,es) + ADD 1 + ADD 1 COR 1 (en) Council Decision establishing a Tripartite Social Summit for Growth and Employment 6728/03 2493rd Council meeting (Economic and Financial Affairs), on 7 March 2003 Relations with the ACP States and the OCT Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 2001 6488/03 Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 2001 6489/03 Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1995) (Eighth EDF) for the financial year 2001 6490/03 Council Decision on the use of interest from the European Development Fund to finance the cost of implementing the internal system of management for individual consultants working in the ACP States and the Overseas Countries and Territories 6255/03 Council Opinion on the updated Stability Programme of Luxembourg 7099/03 Council Opinion on the updated Stability Programme of Portugal 7100/03	

MARCH 2003	
OTHER ACTS	Votes made public
2494th Council meeting (Agriculture and Fisheries), on 17 and 18 March 2003 Council Decision concerning the accession of the European Community to the Protocol of Amendment to the International Convention on the simplification and harmonisation of Customs procedures (Kyoto Convention) 6071/03 + COR 1 (pt) Council Joint Action amending Joint Action 2002/210/CFSP on the European Union Police Mission 6832/03 + COR 1 (en) Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Socialist Republic of Vietnam amending the Memorandum of Understanding between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products 5330/03 Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on additives for use in animal nutrition 15776/02 + COR 1 (fr) + COR 2 (sv) + REV 1 (fi) + REV 1 COR 1 (fi) + ADD 1 + ADD 1 COR 1 (en,da,pt) + ADD 1 COR 2 (fi) Common position adopted by the Council with a view to the adoption of Regulation of the European Parliament and of the Council on genetically modified food and feed 5204/03 + COR 1 (pt) + COR 2 (fr) + COR 3 (de) + COR 4 (es) + REV 1 (da) + ADD 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 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC 15798/02 + COR 1 (fr) + ADD 1	Opposed by A Opposed by L, A and UK

MARCH 2003	
OTHER ACTS	Votes made public
Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Council Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes 5240/03 + ADD 1 + ADD 1 REV 1 (sv) + ADD 1 REV 1 COR 1 (sv) Common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council concerning the production and development of Community statistics on science and technology 14089/02 + ADD 1 + ADD 1 COR 1 Common position adopted by the Council with a view to the adoption of Directive of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC 15792/02 + COR 1 (de) + COR 2 (da) + COR 4 (sv) + COR 5 (fr) + COR 6 (sv) + COR 7 (pt) + ADD 1 Single Sky legislative package Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council laying down the framework for the creation of the Single European Sky ("the framework Regulation") 15851/02 + COR 1 (fi) + REV 1 (nl) Common position adopted by the Council with a view to the adoption of a 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") 15852/02 + COR 1 (fi) + REV 1 (nl) Common position adopted by the Council with a view to the adoption of a 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") 15853/02 + REV 1 (nl,fi) Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on the interoperability of the European air traffic management network ("the interoperability Regulation") 15854/02 + REV 1 (nl,fi) Draft statement of reasons 15851/02 ADD 1 + ADD 1 COR 1 (fi) + ADD 1 COR 2	

MARCH 2003	
OTHER ACTS	Votes made public
Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation(EEC) No 295/91 15855/02 + ADD 2 REV 1 + ADD 1 2495th Council meeting (General Affairs and External Relations), on 18 March 2003 Council Decision concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions 14511/02 Council Decision concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions 5116/03 + COR 1 (fr,pt) + COR 2 (fr,de,nl,es,pt,sv) + COR 3 Council Decision relating to the launch of the EU Military Operation in the former Yugoslav Republic of Macedonia 7537/03	

MARCH 2003	
OTHER ACTS	Votes made public
Written procedure completed on 20 March 2003 Common position adopted by the Council with a view to the adoption of a 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 11029/02 + COR 1 (el) + COR 2 (fr) + COR 3 (da) + COR 4 (fr,it,nl,es,fi,sv) + REV 1 (en) + REV 1 COR 1 (en) + REV 2 (de) + ADD 1 + ADD 1 COR 1 (pt) Common position adopted by the Council with a view to the adoption of a 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 12634/02 + COR 1 (nl) + COR 2 (sv) + COR 3 (fr,de,it,nl,da,el,es,pt,fi,sv) + COR 4 (fr) + COR 5 (it,nl,da,el,es,pt,fi,sv) + COR 6 (fr) + COR 7 (fr,it,nl,da,el,es,pt,fi,sv) + REV 1 (en) + REV 1 COR 1 (en) + REV 1 COR 2 (en) + REV 1 COR 3 (en) + REV 2 (de) + REV 2 COR 1 (de) + ADD 1 Written procedure completed on 21 March 2003 Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia 7690/1/03 REV 1 2498th meeting of the Council of the European Union, in the composition of Heads of State or Government, on 21 March 2003 Decision of the Council, meeting in the composition of the Heads of State or Government, on an amendment to Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank 7205/03	

MARCH 2003	
OTHER ACTS	Votes made public
Written procedure completed on 24 March 2003 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC 5390/03 + COR 1 (nl) + COR 2 (fr,de,it,en,da,el,es) + COR 3 (de) + COR 4 (de) + COR 5 (de) + COR 6 (de) + REV 2 (fi) + REV 2 COR 2 (fi) + REV 3 (sv) + REV 3 COR 1 (sv) + REV 3 COR 2 (sv) + ADD 1 + ADD 1 COR 1 (sv) 2499th Council meeting (Transport, Telecommunications and Energy), on 27 and 28 March 2003 Council Regulation terminating the anti-dumping proceeding concerning imports of unwrought unalloyed magnesium originating in the People's Republic of China 7074/03 Financial Regulation applicable to the 9th European Development Fund 6616/03 + REV 1 (en), 7272/2/03 REV 2 Council Decision on the signature and conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions 6608/03 + COR 1 (el) + COR 2 Council Regulation amending, as regards exceptions to the freezing of funds and economic resources, Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban 7663/03	Abstention by IRL

MARCH 2003	
OTHER ACTS	Votes made public
Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council establishing a transitional transit system applicable to heavy goods vehicles travelling through Austria for 2004 6235/03 + ADD 1	Opposed by A, B, I and NL
