



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 May 2004 (13.05)
(OR. fr)**

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PUBLIC 3

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
MARCH 2004

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in March 2004. This is accompanied by statements in the minutes which may be released to the public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rules applicable;
- in **Annex III**, a list of the other acts ¹ adopted by the Council in March 2004, with a reference, where appropriate, to voting results, explanations of vote and statements which the Council has decided to make public.

This document is also available via the Internet ("<http://ue.eu.int>"); see under "Transparency", then "Summary of Council Acts."

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question may also be obtained from the Transparency Department ("transparency@consilium.eu.int").

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

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2566th Council meeting (Environment) on 2 March 2004 Directive of the European Parliament and of the Council on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells	PE-CONS 3628/04	22/04, 23/04, 24/04, 25/04	Qualified majority
2567th Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 4 March 2004 Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, in respect of the alignment of rights and the simplification of procedures	PE-CONS 3699/03 + COR 1 (de) + COR 2 (pt) + COR 3 (en) + COR 4 (pt) + REV 1 (fi) + REV 2 (es) + REV 2 COR 1 (es)		Qualified majority
Regulation of the European Parliament and of the Council extending and amending Council Regulation (EC) No 1659/98 on decentralised cooperation	PE-CONS 3611/04	26/04, 27/04, 28/04, 29/04	Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2568th Council meeting (Transport/Telecommunications /Energy) on 8 March 2004 Council Decision authorising the Member States which are Contracting Parties to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy to ratify, in the interest of the European Community, the Protocol amending that Convention, or to accede to it Decision of the European Parliament and of the Council amending Decision No 508/2000/EC establishing the Culture 2000 programme 2570th Council meeting COMPETITIVENESS (Internal Market, Industry, Research) on 11 March 2004 Review of legislation on pharmaceuticals: Regulation of the European Parliament and of the Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency	14305/03 + COR 1 (en) + COR 3 (es) PE-CONS 3617/1/04 REV 1 PE-CONS 3612/1/04 REV 1	 30/04 31/04, 32/04, 33/04, 34/04, 35/04, 36/04, 37/04	Unanimity Qualified majority B against Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
- Directive of the European Parliament and of the Council amending Directive 2001/83/EC on the Community code relating to medicinal products for human use - Directive of the European Parliament and of the Council amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products	PE-CONS 3613/1/04 REV 1 PE-CONS 3614/1/04 REV 1		Qualified majority Qualified majority
Directive of the European Parliament and of the Council amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the community code relating to medicinal products for human use	PE-CONS 3630/04		Qualified majority
Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1734/94 on financial and technical cooperation with the West Bank and the Gaza Strip	PE-CONS 3619/04 + COR 1 (fi)		Qualified majority
Regulation of the European Parliament and of the Council on detergents	PE-CONS 3629/04	38/04	Qualified majority
Council Regulation amending Regulation (EC) No 1177/2002 concerning a temporary defensive mechanism to shipbuilding	6532/04	39/04	DK, NL, FI, SE against Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2571st Council meeting (General Affairs and External Relations) on 22 March 2004 Council Regulation on the establishment of European Partnerships in the framework of the Stabilisation and Association process Council Decision authorising Italy to apply a measure derogating from Article 21 of the Sixth Council Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes 2573rd Council meeting (Agriculture and Fisheries) on 22 and 23 March 2004 Council Regulation amending Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) Council Regulation amending Regulation (EC) No 850/98 as regards the protection of deep-water coral reefs from the effects of trawling in an area northwest of Scotland	5688/04		Unanimity
	5988/04		Unanimity
	6343/04		Qualified majority
	7371/04		Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
• Council Regulation laying down certain technical measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources • Council Regulation laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulation (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999	6829/04		Qualified majority
	6835/04		Qualified majority
Regulation of the European Parliament and of the Council on enhancing ship and port facility security	PE-CONS 3700/03 + REV 1 (fi)	40/04, 41/04, 42/04	Qualified majority
Regulation of the European Parliament and of the Council on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91	PE-CONS 3618/04 + COR 1 (fi)		Qualified majority
Written procedure completed on 25 March 2004			
Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency	PE-CONS 3625/04		Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2574th Council meeting (Justice and Home Affairs) on 30 March 2004 Council Decision authorising Germany to apply a measure derogating from Article 21 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes Council Decision granting the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia certain temporary derogations from Directive 2002/96/EC on waste electrical and electronic equipment Council Regulation on the management of fishing fleets registered in the Community outermost regions Decision of the European Parliament and of the Council on interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC) Decision of the European Parliament and of the Council establishing a community action programme to promote bodies active at European level in the field of youth	6881/04 + COR 1 (fr) + REV 1 (de) 6735/04 7529/04 PE-CONS 3646/04 PE-CONS 3648/04	 43/04, 44/04	Unanimity Qualified majority PT against Qualified majority Qualified majority Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Decision of the European Parliament and of the Council establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training	PE-CONS 3649/04		Qualified majority
Decision of the European Parliament and of the Council establishing a Community action programme to promote bodies active at European level in the field of culture	PE-CONS 3650/04		Qualified majority
Decision of the European Parliament and of the Council adopting a programme of Community action (2004-2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the DAPHNE II programme)	PE-CONS 3647/04		Qualified majority
Regulation of the European Parliament and of the Council establishing a European Centre for Disease Prevention and Control	PE-CONS 3624/04 + REV 1 (fr) + REV 2 (sv) + REV 2 COR 1 (sv)	45/04, 46/04, 47/04, 48/04	Qualified majority
Directive of the European Parliament and of the Council amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	PE-CONS 3686/03		Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage	PE-CONS 3622/04 + COR 1 (fr) + COR 2 (pt) + COR 3 (fi) + COR 4 (da)	49/04	IE, DE, AT against Qualified majority
Directive of the European Parliament and of the Council on the safety of third-country aircraft using Community airports	PE-CONS 3616/04 + COR 1 (fi)		Qualified majority
Regulation of the European Parliament and of the Council concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community	PE-CONS 3644/04		Qualified majority
Regulation of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators	PE-CONS 3645/04		Qualified majority
Directive of the European Parliament and of the Council on takeover bids	PE-CONS 3607/04 + COR 1 (en) + COR 2 (fi) + COR 4 (es)	50/04, 51/04	Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Legislative acts adopted after second reading by the European Parliament in the framework of the codecision procedure Directive of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (30.3.2004) Regulation of the European Parliament and of the Council on promoting gender equality in development cooperation (30.3.2004) Directive of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC (30.3.2004) Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks (30.3.2004)	7950/04 PE-CONS 3660/04 7936/04 PE-CONS 3661/04 7932/04 PE-CONS 3659/04 7948/04 PE-CONS 3654/04		Qualified majority Qualified majority Qualified majority Qualified majority

MARCH 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Regulation of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims (30.3.2004)	7949/04 PE-CONS 3652/04		Qualified majority

STATEMENT 22/04

Statement by the Council and the Commission

"As illegal trafficking in tissues, cells and organs gives rise to serious concerns and can lead to significant health risks for both the donor and the recipient, efforts to combat such activities should be intensified."

STATEMENT 23/04

Statement by the Council and the Commission

"In the absence of specific Community legislation on the processing, preservation, storage and distribution of tissues and cells intended for industrially manufactured products the Council and the Commission agree that the concerns raised by the Parliament in respect of the requirements to be determined for establishments operating in this field, such as the requirement to operate on a 24-hour basis, will be addressed in the development of the relevant technical requirements referred to in article 28 of the Directive."

STATEMENT 24/04

Statement by the Council and the Commission

"The Council and the Commission agree that the concerns raised by the Parliament at first reading as regards the Annexes originally proposed by the Commission will be taken into account in the development of the relevant technical requirements referred to in article 28 of the Directive."

STATEMENT 25/04

Statement by the Commission

"The important differences between organ transplantation and the use of other human substances such as blood, tissues and cells mean that a specific approach for organs in order to ensure safety and quality is necessary.

Such an approach in the current situation characterised by shortage of organs has to balance two factors: the need for organs' transplantation which is usually a matter of life and death with the need to ensure high standards of quality and safety.

The Commission believes that before considering any proposal it is necessary to conduct a thorough scientific evaluation of the situation regarding organ transplantation. The Commission will present a report on the conclusions of the analysis it undertakes as soon as possible."

STATEMENT 26/04

COMMISSION STATEMENT (re Article 2)

"Commission proposal COM(2003) 413 final for a Regulation on decentralised cooperation provides for the possibility of financing activities in the field of "information and the mobilisation of decentralised cooperation agents and participation in international fora to enhance dialogue on policy formulation."

The explanatory memorandum gives a more precise definition of the support to be given to decentralised cooperation agents in the following sentence:

"The budget instrument can also support the diversification of decentralised actors as potential partners (trade unions, economic and social partners, local and municipal authorities, universities, the media etc) and the participation of decentralised actors in international fora to put forward their needs and be consulted on development policy."

More specifically, what the Commission has in mind is to encourage those agents to take part in discussions, consultation meetings and conferences on development-cooperation policies so that they may share points of concern, suggestions and new ideas. If appropriate, they could communicate them to official representatives of government authorities and the providers of funds. Those agents will take part in accordance with the Member States' and Community legislation."

STATEMENT 27/04

STATEMENT BY BELGIUM (re Article 3)

"Belgium notes that the list of eligible partners, as defined in Article 3 of this Regulation, makes no reference to philosophical and non-confessional organisations. Such organisations are, however, mentioned, together with churches and religious associations and communities – to which reference is made in the same Article 3 – in Declaration No 11 annexed to the Amsterdam Treaty."

STATEMENT 28/04

STATEMENT BY BELGIUM (re Article 4)

"Belgium supports decentralised cooperation because it is an instrument that truly guarantees the participation of non-state actors in development. Accordingly Belgium welcomes the extension of the list of eligible partners. Belgium regrets, however, that the financial framework has not been adjusted upwards as a result."

STATEMENT 29/04

COMMISSION STATEMENT (re Article 7)

"Further to the Council conclusions of May 2003 regarding the untying of Community aid, the Commission remains committed to presenting to the Council and the European Parliament, by March 2004, a proposal for a horizontal regulation on untying."

STATEMENT 30/04

Statement by the Commission

"The Commission takes note of the Council's acceptance of Amendment N° 2 of the European Parliament incorporating a new recital (3b) into the text of the Decision of the European Parliament and of the Council amending Decision n° 508/200/EC of 14 February 2000 establishing the "Culture 2000" programme. The Commission intends to present an assessment report on the programme by 31 December 2005 as specified in the new recital, but considers that this in no way affects its right of initiative to present possible proposals for a new Culture programme, to take effect upon expiry of Culture 2000, before that date and that the new recital is without prejudice to the duty of the other Institutions to examine any such proposal according to the provisions laid down in the Treaty."

GENERAL STATEMENTS

STATEMENT 31/04

Statement by the Council and the Commission on the Acceding States

"The Council and the Commission will give full and timely consideration to any request for a transitional period presented by the new Member States with respect to the new pharmaceutical acquis."

STATEMENT 32/04

Statement by the Cyprus, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovakian and Slovenian delegations

"Welcoming the joint statement of the Council and the Commission on the review of Community legislation on pharmaceuticals in relation to Acceding States, the new Member States stress that timely consideration of a request for transitional period presented by the new Member States means a timeframe that will allow putting any necessary provisions in place before the deadline for transposition of the new acquis expires."

STATEMENT 33/04

Statement by the Commission

"The Commission states that it will submit in 2004 a proposal for a specific Regulation to the Council and the European Parliament aiming at providing a genuine legal framework for the development and authorisation of medicinal products for human use in order to meet the specific therapeutic needs of the paediatric population."

STATEMENT 34/04

Statement by the Luxembourg delegation

"Luxembourg states that, in implementing the new Community pharmaceuticals legislation under Luxembourg law, it will make allowance for the very small size of Luxembourg's domestic market and for the limited administrative capacity and expertise at present available within the country."

STATEMENTS CONCERNING THE REGULATION

STATEMENT 35/04

Statement by the German, Italian, Portuguese and United Kingdom delegations

"Germany, Italy, Portugal and the UK recall the Statement by the UK, German, Italian, Spanish, Portuguese and Danish delegations to the minutes of the 2512th meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Luxembourg on 2 and 3 June 2003, on the legal base for the "Amended proposal for a Regulation of the European Parliament and of the Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products.

Germany, Italy, Portugal and the UK still believe that Article 308 of the Treaty rather than Article 95 would be the correct legal base. Therefore, these delegations give their agreement to the Regulation under the assumption that its legal base cannot be considered as setting a precedent for future decisions regarding issues of **a similar** nature."

STATEMENT 36/04

Statement by the German delegation

"Germany considers it important to make the following point:

The European Medicines Agency must be financed within the applicable financial perspective. The annual funding will be approved by the budgetary authority within the limits of the financial perspective. In view of the tightness of heading 3 of the Community budget, it must be ensured that the applicable financial perspective is adhered to, while allowing for existing and future programmes and for a safety margin below the ceiling of heading 3."

STATEMENT CONCERNING THE DIRECTIVE ON VETERINARY MEDICINAL PRODUCTS

STATEMENT 37/04

Statement by the Austrian, Belgian, French, German, Greek, Italian, Portuguese, and Spanish delegations

Re : Article 1(21) - Definition of "veterinary prescription"

"The Austrian, Belgian, French, German, Greek, Italian, Portuguese and Spanish delegations assume that, with respect to the definition of "veterinary prescription" in Article 1(21), the veterinarian is the qualified professional person who should prescribe veterinary medicinal products."

STATEMENT 38/04

Statement by the Portuguese delegation

"Portugal considers that the modernisation of the legislation regulating detergent biodegradability, which dates back to the early 1970s and has since been overtaken by technological developments, is to be welcomed.

Portugal has therefore argued for a more stringent set of harmonised principles, making allowance in particular for child protection, which it hopes all Member States can accept.

It is sorry to see that a Regulation designed to harmonise all rules on additional labelling makes no provision to guard against the risk of detergents being swallowed, especially by children, by preventing packaging from showing pictures of fruit or other foodstuffs which might mislead them.

Protection against the risk of swallowing was included in Directive 1999/45/EC, which only covers dangerous substances and preparations, and Portugal sees a need to extend that coverage to all detergents as the only way to guarantee total harmonisation with a high level of health and safety protection.

In addition, Portugal does not consider it right for a Regulation to impose national testing methods without having them published as an integral part of it, for reasons of quality of Community legislation, legal and practical applicability and also competition, although it does welcome the Commission's statement that it will ask the European Committee for Standardisation (CEN) to review those methods and prepare a European standard for inclusion in the Regulation in future.

As it has not been possible for these concerns to be accommodated in the Regulation in the form of an amended common position, Portugal regrets that it has to reject its adoption."

STATEMENT 39/04

Statement by the Italian delegation

"While voting in favour of the adoption of the proposal extending Regulation (EC) No 1177/2002 until 31 March 2005, Italy regrets that it was not seen fit to take this opportunity to improve the effectiveness of the temporary defensive mechanism to shipbuilding with reference to the industry's actual requirements."

STATEMENT 40/04

Joint statement by the Council and the Commission

Re Articles 2(6) and (7)

"The Council and the Commission agree that article 2(6) and (7) of the Regulation on enhancing ship and port facility security does not affect Member States' competence to decide a suitable structure for their implementation of maritime security legislation provided that the focal point for maritime security mentioned in article 2(6) is designated.

In particular regarding article 2(7), the Council and the Commission agree that Member States can designate more than one competent authority for maritime security."

STATEMENT 41/04

Joint statement by the Council and the Commission

Re Article 2(13)

"The Council and Commission agree that the definition of "intentional unlawful act" in Article 2(13) of the Regulation on enhancing ship and port facility security does not affect Member States' competence to decide whether unlawful acts under the Regulation, whether intentional or not, constitute an offence under their national laws."

STATEMENT 42/04

Joint statement by the Council and the Commission

Re Article 11

"The Council and the Commission agree that the Committee set up according to Article 11 shall adopt its rules of procedures. The Committee shall, according to its rules of procedures, establish that, as per Article 6(a) of Decision 1999/468/EC, the Commission shall, before adopting its decision regarding safeguard measures, consult the Member States concerned by the agreements referred to in Article 5 in this Regulation. The latter shall reply to the Commission within one month. The Committee shall, according to its rules of procedures, set the periods laid down in Articles 6(b) and 6(c) of Decision 1999/468/EC at one month."

STATEMENT 43/04

Statement by the Commission

"The Commission takes the view that Article 299(2) of the EC Treaty is not applicable as a legal basis in this case as the provisions of the Regulation do not derogate from the EC Treaty.

However, so that the proposal for a Regulation on the management of fishing fleets registered in the outermost regions may be adopted, the Commission will not obstruct the Council's agreement by qualified majority on the compromise text."

STATEMENT 44/04

Statement by the Commission

"The Commission will proceed with diligence in adopting the implementing rules foreseen in Articles 1 and 4 of the Council Regulation on the management of fishing fleets in the outermost regions so as to avoid any delay that could compromise the implementation of the measures foreseen in these regions.

For the Canary Islands' fleet, for which no specific segmentation had been fixed under Multi-Annual Guidance Programmes for the fishing fleets (MAGP), the Commission is ready to:

- analyse the most appropriate segmentation for the Canary Islands' fleet in relation to types of fishing and to the state of targeted stocks;
- submit the most recent scientific analysis, including the last evaluation presented by the Spanish marine research body (IEO), of stocks targeted by the Canary Islands' fleet, to the Scientific, Technical and Economic Committee for Fisheries (STECF), for assessment;
- ensure a similar treatment of fleets from all Member States operating on the same fisheries;
- examine fishing possibilities that result from private or Community fisheries agreements provided that all information is made available to the Commission in time;
- accept the possibility for vessels from the Spanish mainland fleet to register in the Canary Islands, provided that a sufficient margin is available in the levels of reference fixed for the Canary Islands."

STATEMENT 45/04

Statement by Germany and the United Kingdom on the legal basis

"Whilst supportive of the establishment of the European Centre for Disease Prevention and Control, Germany and the United Kingdom have doubts about the omission of Article 308 of the Treaty from the legal base of the regulation. While Article 152 paragraph 4 of the Treaty establishing the European Community - excluding harmonisation of the legal and administrative provisions of the Member States - allows for the adoption of support measures to attain a high level of health protection, this would not per se seem to constitute an appropriate legal base for authorising the establishment of a health institution on the European level.

Germany and the United Kingdom consider that the establishment of the Centre for Disease Prevention and Control cannot be construed as a precedent for the establishment of further EU institutions in the health field."

STATEMENT 46/04

Statement by the Commission on Article 14

"The Commission recalls that, according to its December 2002 Communication on a framework for European regulatory agencies, its proposal for a Regulation establishing the European Centre for Disease Prevention and Control provided for a Management Board composed of six members designated by the Commission, six by the Council and three representing the stakeholders. The Commission believes, also in accordance with the European Parliament resolution on the above-mentioned Communication adopted on 13 January 2004, that a Board of limited size with members appointed by the Community's executives would ensure a better functioning of the Centre in an enlarged EU. In this respect, the Commission looks forward to receiving the Council's response to its Communication on a framework for regulatory agencies. The Commission confirms its intention to present, when appropriate, a proposal on a framework for European agencies, which will also cover the composition of the Management Board.

Given the urgent need for establishing the Centre, the Commission does not however oppose the agreement between the Council and the European Parliament for a first reading adoption of the Regulation.

The Commission notes that the review foreseen in Article 31 of the Regulation will be based, *inter alia*, on an evaluation of the working practises of the Centre. The Commission considers that this includes the composition of the Management Board."

STATEMENT 47/04

Statement by the German and Austrian delegations on the financial provisions:

"The Germany and Austria delegations would stress that the financing of the European Centre for Disease Prevention and Control must be ensured within the framework of the applicable financial perspective. The annual appropriations are approved by the budget authority within the limits set by the financial perspective. Given the constraints imposed by heading 3 of the Community budget, adherence to the applicable financial perspective must be ensured having regard to existing programmes and programmes still to be decided on and a safety margin below the ceiling of heading 3."

STATEMENT 48/04

Statement by the German and French delegations on Article 29

"The German delegation although it supports the proposal for a Regulation of the European Parliament and of the Council establishing a European Centre for Disease Prevention and Control, the Federal Republic of Germany reconfirms its view that, for the staff of institutions such as the above Centre, provision should be made for applying exemption with progression to income exempt from tax in the host state and for taxing pensions and similar benefits.

Germany would therefore once again draw attention to the proposal by the Belgian Presidency at the 1931st meeting of Coreper, Part 2, on 13 September 2001 that there should be a general debate on the granting of privileges and immunities in the EU.

More recently Germany returned to the question of such a debate at the 1990th meeting of Coreper, Part 2, on 18 December 2002 and at the 2000th meeting of Coreper, Part 1, on 12 and 13 December 2003. Until such critical scrutiny of the granting of privileges and immunities has taken place, Germany will continue to work to ensure that privileges and immunities (especially tax privileges and exemptions from national taxation) are granted only insofar as is absolutely necessary for the continuing integration of Member States into the EU."

"France agrees to withdraw its reservation on the privileges and immunities of the Centre in order not to stand in the way of the establishment of this agency whose tasks are of great importance. However, France wishes there to be a general discussion of the privileges and immunities of the European agencies, being of the view that it is essential to address the issue logically, fairly and in a manner which is legally safe."

STATEMENT 49/04

Statement by the Commission on Article 14(2)

"The Commission takes note of article 14(2). In accordance with this article, the Commission will present a report, six years after the entry into force of the Directive, covering, *inter alia*, the availability at reasonable costs and conditions of insurance and other types of financial security. The report will in particular take into account the development by the market forces of appropriate financial security products in relation to the aspects referred to.

It will also consider a gradual approach according to the type of damage and the nature of the risks. In the light of the report, the Commission will, if appropriate, submit as soon as possible proposals. The Commission will carry out an impact assessment, extended to the economic, social and environmental aspects, in accordance with the relevant existing rules and in particular the inter-institutional agreement on Better Law-Making and its Communication on Impact Assessment [COM(2002) 276 final]."

STATEMENT 50/04

Statement by the Council and the Commission on Article 5(1) of the Directive

"The Council and the Commission agree that national law may provide that when control has been obtained following a voluntary bid made in accordance with this Directive addressed to all holders of securities for at least 60% of their holdings, the obligation to launch a bid laid down in Article 5(1) of the Directive shall not apply on condition that the offer has been approved by the majority of shareholders with voting rights, excluding from the calculation securities that are held by the offeror and by any shareholder, who alone or in concert hold more than 10% of the voting rights."

STATEMENT 51/04

Statement by the Commission

"Following the rejection by the European Parliament of the compromise proposal on 4 July 2001, the Commission endeavoured to respond, in particular to the wishes of the European Parliament, by bringing forward a new and more ambitious proposal in 2003. The Commission notes with regret that the directive as finally adopted is in fact below the level of ambition of the compromise text on the table in 2001.

Crucial parts of the directive have now become optional. Member States can decide to opt out of Article 9, which contains the important principle that it is for the shareholders to decide whether or not to adopt defensive measures once a bid has been made. Member States can also opt out of Article 11 which should make it possible for a successful bidder to break through any pre-bid defensive measures. Furthermore, the optional arrangements in Article 12 are made reversible leading to uncertainty in the market about the behaviour of companies in terms of defensive measures. This is clearly not a satisfactory situation and will not contribute to achieving the goals of the Lisbon agenda.

The Commission intends to monitor the application of the directive and evolution of the situation in the Internal Market closely and come forward with further proposals where necessary."

MARCH 2004	
OTHER ACTS	Votes made public
2566th Council meeting (Environment) on 2 March 2004	
Council Regulation imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan 6179/04	
Council Regulation imposing a definitive anti-dumping duty on imports of silicon originating in the People's Republic of China 6039/04	
Council Decision authorising the Member States to sign, ratify or accede, in the interest of the European Community, the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, and authorising Austria and Luxembourg, in the interest of the European Community, to accede to the underlying instruments 14389/03 + COR 1 + REV 1 (fi) + REV 1 COR 1 (fi) + COR 2 (sv), 6287/1/04 REV 1 + REV 1 COR 1 (fr,es,el,nl,pt)	
2568th Council meeting (Transport/Telecommunications/Energy) on 8 March 2004	
Council Decision amending Decision 2003/479/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council 6286/04	
Council Decision concerning the conclusion of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS) 6521/04, 15533/03 + COR 1 (el) + REV 1 (de) + REV 1 COR 1 (de)	

MARCH 2004	
OTHER ACTS	Votes made public
Council Regulation amending Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community and Regulation (EC) No 2026/97 on protection against subsidised imports from countries not members of the European Community 16080/03 + COR 1 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of sodium cyclamate originating in the People's Republic of China and Indonesia 6318/04 Council Regulation amending Regulation (EC) No 1784/2000 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain 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 6393/04 Council Regulation imposing definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of large rainbow trout originating in Norway and the Faeroe Islands 6540/04 + COR 1 (da,es,pt,fi,sv) Council Regulation amending Regulation (EC) No 1338/2002 imposing a definitive countervailing duty on imports of sulphanilic acid originating in India and amending Regulation (EC) No 1339/2002 imposing a definitive anti-dumping duty on imports of sulphanilic acid originating, inter alia, in India 6543/04 Council Regulation extending the suspension of the extended anti-dumping duty imposed by Regulation (EC) No 1023/2003 on imports of certain malleable cast iron tube or pipe fittings consigned from Argentina, whether declared as originating in Argentina or not 6544/04	

MARCH 2004	
OTHER ACTS	Votes made public
2570th Council meeting COMPETITIVENESS (Internal Market, Industry, Research) on 11 March 2004 Council Regulation amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries 6046/1/04 REV 1 (en,de,it,nl,da,el,es,pt,fi,sv) + REV 2 (fr) Stimulating entrepreneurship - Draft Council conclusions 6965/04, 7379/04 ANNEX I Competitiveness of business-related services - Adoption of Council conclusions 5601/1/04 REV 1, 7379/04 ANNEX II 2571st Council meeting (General Affairs and External Relations) on 22 March 2004 Council Decision adopting the Council's Rules of Procedure 5163/04, 5144/1/04 REV 1 + ADD 1 REV 1 COR 1 Adoption of adaptations to the Act of Accession and the Common Agricultural Policy reform regulations under Article 23 in conjunction with Article 57 of the Act of Accession 5748/04, 5899/04 + COR 1 Council Decision concerning the partial release of the conditional amount of 1 billion euro under the ninth European Development Fund for cooperation with African, Caribbean and Pacific countries in order to establish a Water Facility 7189/04 + COR 1 (fr), 7300/04 + COR 1 (en) + COR 2 (fr)	

MARCH 2004	
OTHER ACTS	Votes made public
2573rd Council meeting (Agriculture and Fisheries) on 22 and 23 March 2004 Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining for the period 1 January 2004 to 31 December 2008 the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Republic of Guinea on fishing off the Guinean coast 6840/04 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 interoperability of electronic road toll systems in the Community 6277/04 + COR 1 (de) + ADD 1 2574th Council meeting (Justice and Home Affairs) on 30 March 2004 Council Recommendation regarding guidelines for taking samples of seized drugs 7292/04 Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe concerning the accession of the Republic of Mozambique to Protocol No 3 on ACP Sugar of Annex V to the ACP-EC Partnership Agreement 6621/04 Council Common Position renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) 7502/04	

MARCH 2004	
OTHER ACTS	Votes made public
Council Decision concerning the provisional application of the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area and the provisional application of four related agreements 6568/04 + COR 1 (de,en,da) + COR 2, 11902/03 ADD 1, ADD 2, ADD 3, ADD 4 , ADD 5, ADD 6 Council Decision concerning the conclusion of the Agreement between the European Community and the United States of America on intensifying and broadening the Agreement on customs cooperation and mutual assistance in customs matters to include cooperation on Container Security and related matters 7113/04 Council Decision concerning the conclusion of the Agreement between the European Community and the Republic of India on customs cooperation and mutual administrative assistance in customs matters 6524/04	