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THE EUROPEAN UNION**

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NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
APRIL 2004

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in April 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 April 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.

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Legislative act adopted following the European Parliament's second reading in the framework of the codecision procedure Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports (1.4.2004) Written procedures completed on 5 April 2004 Decision of the European Parliament and of the Council establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests ("HERCULE" programme) Decisions and Regulation of the European Parliament and of the Council Decision of the European Parliament and of the Council amending Decisions Nos 1720/1999/EC, 253/2000/EC, 508/2000/EC, 1031/2000/EC, 1445/2000/EC, 163/2001/EC, 1411/2001/EC, 50/2002/EC, 466/2002/EC, 1145/2002/EC, 1513/2002/EC, 1786/2002/EC, 291/2003/EC and 20/2004/EC with a view to adapting the reference amounts to take account of the enlargement of the European Union	7957/04 PE-CONS 3658/04 PE-CONS 3631/1/04 REV 1 PE-CONS 3633/1/04 REV 1		Qualified majority Qualified majority Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
- Decision of the European Parliament and of the Council amending Council Decision 96/411/EC and Decisions Nos 276/1999/EC, 1719/1999/EC, 2850/2000/EC, 507/2001/EC, 2235/2002/EC, 2367/2002/EC, 253/2003/EC, 1230/2003/EC and 2256/2003/EC with a view to adapting the reference amounts to take account of the enlargement of the European Union - Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2236/95, and Regulations (EC) No 1655/2000, (EC) No 1382/2003 and (EC) No 2152/2003, with a view to adapting the reference amounts to take account of the enlargement of the European Union Written procedure completed on 6 April 2004 Regulation of the European Parliament and of the Council on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91	PE-CONS 3634/1/04 REV 1 PE-CONS 3635/1/04 REV 1 PE-CONS 3610/1/04 REV 1		Qualified majority Qualified majority Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Written procedure completed on 7 April 2004 Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	PE-CONS 3655/04		Qualified majority
Written procedure completed on 14 April 2004 Regulation of the European Parliament and of the Council on the negotiation and implementation of air service agreements between Member States and third countries Approval of the amendments adopted by the European Parliament at second reading	Ref. 7951/04 PE-CONS 3656/04		Qualified majority
Written procedures completed on 16 April 2004 Regulation of the European Parliament and of the Council concerning Community statistics on the Information Society	PE-CONS 3621/1/04 REV 1	52/04	DE against Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Hygiene of foodstuffs - Regulation of the European Parliament and of the Council on the hygiene of foodstuffs - Regulation of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin - Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption Approval of the amendments adopted by the European Parliament at second reading Written procedure completed on 20 April 2004 Decision of the European Parliament and of the Council establishing a Community action programme to promote organisations active at European level in the field of equality between men and women	7935/04 PE-CONS 3662/04 7934/04 PE-CONS 3663/04 7933/04 PE-CONS 3664/04 7930/04 PE-CONS 3657/04	53/04, 54/04, 55/04, 56/04, 57/04, 58/04, 59/04, 60/04, 61/04, 62/04, 63/04, 64/04, 65/04, 66/04, 67/04, 68/04, 69/04, 70/04, 71/04, 72/04, 73/04, 74/04, 75/04, 76/04, 77/04, 78/04, 79/04, 80/01, 81/01, 82/04	BE abstention Qualified majority BE abstention Qualified majority BE abstention ES against Qualified majority Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2575th Council meeting (Agriculture and Fisheries), on 21 and 22 April 2004			
Council Regulation establishing measures for the recovery of the Northern hake stock	7548/04 + COR 1 (fi) + COR 2 (fr) + COR 3 (es)	83/04, 84/04	Qualified majority
Council Regulation amending Regulation (EC) No 2791/1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries	6802/04		Qualified majority
Council Regulation amending Regulations (EEC) No 3906/89, (EC) No 555/2000, (EC) No 2500/2001, (EC) No 1268/1999 and (EC) No 1267/1999 in order to allow the Stabilisation and Association Process Countries to participate in tenders organised under the pre-accession Community assistance programmes	6182/04		Qualified majority
Council Directive amending Directive 77/799/EEC concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation, certain excise duties and taxation of insurance premiums	6110/04 + COR 1 (it) + COR 2 (sv)	85/04	Unanimity

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2576th Council meeting (General Affairs and External Relations), on 26 April 2004 Enlargement (a) Council Directive adapting Directives 1999/45/EC, 2002/83/EC, 2003/37/EC and 2003/59/EC of the European Parliament and of the Council and Council Directives 77/388/EEC, 91/414/EEC, 96/26/EC, 2003/48/EC and 2003/49/EC, in the fields of free movement of goods, freedom to provide services, agriculture, transport policy and taxation, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia	7570/1/04 REV 1		Qualified majority

[illegible]

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation on measures improving general conditions for the production and marketing of apiculture products	6346/04	86/04	Qualified majority
Council Regulation establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94	6764/04	87/04	Qualified majority
Council Regulation amending Regulation (EC) No 973/2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species	7666/04		Qualified majority
Council Regulation amending Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish	7663/04		Qualified majority
Council Regulation amending Regulation (EC) No 1626/94 as regards certain conservation measures relating to waters around Malta	8162/04 + COR 1	88/04	Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulation laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98	7825/04 + COR 1 (nl) + COR 2	89/04, 90/04, 91/04, 92/04, 93/04, 94/04, 95/04	IT, ES against Qualified majority
Council Directive concerning measures to safeguard security of natural gas supply	6120/04 + REV 1 (sv) + REV 1 COR 1 (sv) + REV 2 (fr) + REV 2 COR 1 (fr)	96/04, 97/04	Unanimity
Council Decision amending Decision No 2002/668/Euratom to adapt the financial reference amount in order to take account of the enlargement of the European Union	7443/04		Unanimity
Council Decision granting Cyprus, Malta and Poland certain temporary derogations from Directive 2002/96/EC on waste electrical and electronic equipment	8000/04		Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Regulation of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	PE-CONS 3632/1/04 REV 1	98/04, 99/04, 100/04, 101/04, 102/04, 103/04	Qualified majority
Regulation of the European Parliament and of the Council on the coordination of social security systems	PE-CONS 3666/04	104/04, 105/04	Qualified majority
Directive of the European Parliament and of the Council on the enforcement of intellectual property rights	PE-CONS 3636/1/04 REV 1 + COR 1 (sv)	106/04	AT, BE, IT abstentions Qualified majority
Second railway package			
Directive of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)	PE-CONS 3638/1/04 REV1 + COR 1 (de)		BE, LU against Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
• Directive of the European Parliament and of the Council amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system • Regulation of the European Parliament and of the Council establishing a European Railway Agency (Agency Regulation) • Directive of the European Parliament and of the Council amending Council Directive 91/440/EEC on the development of the Community's railways	PE-CONS 3639/01/04 REV 1 PE-CONS 3640/1/04 REV 1 PE-CONS 3641/1/04 REV 1	107/04	BE, LU against Qualified majority BE, LU against Qualified majority FR abstention BE, LU against Qualified majority
Regulation of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC	PE-CONS 3627/04 + COR 1 (it) + COR 2 (en,fr,da,de,el,es,fi,it,pt,sv) + COR 3 (el) + COR 4 (fi) + REV 1 (nl) + REV 1 COR 1 (nl) + REV 2 (da)	108/04	Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC)	PE-CONS 3605/1/04 REV 1 + COR 1 (es)		Qualified majority
Decision of the European Parliament and of the Council amending Decision No 163/2001/EC on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001 - 2005)	PE-CONS 3642/1/04 REV 1		Qualified majority
Decision of the European Parliament and of the Council amending Council Decision 2000/821/EC on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus – Development, Distribution and Promotion) (2001-2005)	PE-CONS 3643/04 + COR 1 (fr) + COR 2 (en,sv)		Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2579th Council meeting (Justice and Home Affairs), on 29 and 30 April 2004			
Council Directive relating to compensation to crime victims	8303/04 + COR 1 (it) + COR 2 (fi) + COR 3 (es) + COR 4 (nl) + COR 5 (fr) + COR 6 (sv)	109/04, 110/04	Unanimity
Council Regulation concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism	7575/04	111/04	Unanimity
Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities	14994/03 + COR 1 (fi) + ADD 1 + REV 1 (sv)		Unanimity
Council Decision determining the minimum indications to be used on signs at external border crossing points	16184/1/03 REV 1 + COR 1		Unanimity

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Decision amending the Common Manual in order to include provision for targeted border controls on accompanied minors	6994/04	112/04	Unanimity
Council Decision amending the Common Manual	6388/04	113/04, 114/04	Unanimity
Council Directive on the obligation of carriers to communicate passenger data	8078/04 + COR 1 (sv)	115/04, 116/04	Unanimity
Council Decision on the organisation of joint flights for removals, from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders	6379/04 + COR 1 + COR 2 (it) + COR 3 (fr) + COR 4 (el) + ADD 1		Unanimity
Council Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted	8043/04 + COR 1 (en,fr,it,nl,sv) + COR 2 (pt) + COR 3 (de) + COR 4 (sv) + COR 5 (fi)	117/04, 118/04	Unanimity

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Directive amending Directive 2003/49/EC as regards the possibility for certain Member States to apply transitional periods for the application of a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States	8667/04 + COR 1 (sv)		Unanimity
Council Directive amending Directive 2003/96/EC as regards the possibility for Cyprus to apply, in respect of energy products and electricity, temporary exemptions or reductions in the levels of taxation	8242/04		Unanimity
Council Directive amending Directive 2003/96/EC as regards the possibility for certain Member States to apply, in respect of energy products and electricity, temporary exemptions or reductions in the levels of taxation	8027/04	119/04, 120/04, 121/04, 122/04	Unanimity
Council Decision approving a Commission Regulation on the application of Euratom Safeguards	7768/3/04 REV 3 + COR 1 (en,fr,it,es,fi,sv) + COR 2 (fi) + REV 4 (nl,pt) + REV 4 COR 1 (nl) + REV 5 (fr,es)	123/04	Simple majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulations • adapting Regulation (EC) No 685/2001 of the European Parliament and of the Council, in the field of transport, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia • adapting Regulation (EC) No 2888/2000 of the European Parliament and of the Council, in the field of transport, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia • adapting Regulation (EC) No 2327/2003 of the European Parliament and of the Council, in the field of transport, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia	8382/04 8381/04 8380/04		AT abstention Qualified majority AT abstention Qualified majority AT, UK abstention Qualified majority
Council Regulation amending Regulation (EC) No 2100/94 on Community plant variety rights	7614/04 + COR 1 (es) + REV 1 (sv)	124/04	Unanimity

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Regulations			ES abstention DK, SE against Qualified majority
- amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and adapting it by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union - Council Regulation on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68	7653/1/04 REV 1 + COR 1 (en) 7654/1/04 REV 1	125/04, 126/04, 127/04, 128/04	Qualified majority
Council Decision on a Community financial contribution towards Member States fisheries control programmes	8099/04 + COR 1 (pt) + COR 2 (fr,it,en)	129/04, 130/04, 131/04	DE abstention Qualified majority
Council Regulation amending Regulation (EC) No 3069/95 establishing a European Community observer scheme applicable to Community fishing vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO)	8098/04	132/04	Qualified majority

APRIL 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Regulation of the European Parliament and of the Council amending Regulation (EC) No 2320/2002 establishing common rules in the field of civil aviation security	PE-CONS 3637/1/04 REV 1		Qualified majority
Council Regulation amending Regulation (EC) No 2287/2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required	8072/04 + COR 1	133/04, 134/04, 135/04, 136/04	Qualified majority

STATEMENT 52/04**Statement by the German delegation:**

"While Germany is committed to the implementation of the e-Europe Action Plans as specified in the Council Resolution of 18 February 2003, the present proposal for a Regulation is much more ambitious and could lead to a considerable increase of the statistical burdens on enterprises, individuals and households. In our view, the proposed Regulation does not comply with the principles of subsidiarity and proportionality (recital 10) as there are less demanding measures available to implement the benchmarking process which is part of the e-Europe Action Plans. Furthermore, the Bundesrat has, in a unanimous decision, asked the German Federal Government to vote against the proposed Regulation."

General statements

STATEMENT 53/04

Implementing rules

"To ensure transparency, the Commission will consider making a communication setting out, sector by sector, lists of the existing implementing rules that will continue to apply when the new hygiene rules take effect. It will also consider proposing the repeal or amendment of such rules, where appropriate.

The Commission affirms that it is its aim to propose new rules on trichinae to replace those of Directive 77/96/EEC in good time, so as to ensure that they can be adopted before the new hygiene legislation takes effect."

STATEMENT 54/04

Fishery products

"The Commission will consider whether it would be possible to establish a list of parameters for treatments to fishery products, other than freezing to an internal temperature of -20 °C for 24 hours or heating to 60° C, that are recognised as sufficient to destroy nematode larvae, as well as criteria to verify whether treatments applied achieve this objective. It will, if appropriate, make relevant proposals."

STATEMENT 55/04

Contaminants

"The Council invites the Commission to consider the need for harmonised rules for official controls on or surveillance of the presence of environmental contaminants in food and for measures to be taken in cases of non-compliance with Community requirements and, if appropriate, to make relevant proposals."

Statements concerning the Regulation of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin

STATEMENT 56/04

Article 1 – Scope

"The Commission considers that, as in the Regulation on the hygiene of foodstuffs, the exclusion of the direct supply, by the producer, of small quantities of primary products and of meat from poultry and lagomorphs to the final consumer or to local retail establishments also applies to primary production leading to such supply."

STATEMENT 57/04

Article 8 – Salmonella guarantees

"The Commission will not propose any measure that would reduce the level of protection provided by the guarantees granted to Finland and Sweden upon their accession to the Community."

STATEMENT 58/04

Article 11(6) and Annex III, Section VII – Live bivalve molluscs

"The Council and the Commission stress the importance of the use of harmonised methods to test for compliance with the limit values for marine biotoxins in live bivalve molluscs. They note that adoption of the Regulation will not affect existing requirements, which will remain in place until new requirements are laid down through comitology."

STATEMENT 59/04

Article 11(9) – Histamine

"The Commission declares that its proposals on microbiological criteria, which are already under preparation, will include proposals for limits with regard to histamine in fishery products."

STATEMENT 60/04

Annex I – Definitions

"The UK delegation welcomes the statement given by the Commission that it will seek new scientific advice on minced meat, meat preparations and mechanically separated meat (MSM). In the interim, the UK believes the definition of MSM used for the purpose of this Regulation may lead to problems of interpretation and enforcement. Should this be the case, the UK delegation would expect the Commission to find a solution through the comitology procedure."

STATEMENT 61/04

Annex II, Section III – Food chain information

"The Commission will make proposals on food chain information as a matter of priority, so that these may be adopted through comitology before the new hygiene legislation takes effect. The proposals will include guidelines for standardised declarations that primary producers could complete and sign rather than providing verbatim extracts from their records. The Commission will consider whether it would be appropriate to propose a standard format or formats for such declarations for intra-Community trade in live animals."

STATEMENT 62/04

Annex III, Section I – Emergency slaughter

"The Commission declares that, when it reports to the European Parliament and to the Council to review the experience gained from the implementation of the Regulation as provided for in Article 14, it will discuss in particular the issue of emergency slaughter. If appropriate, it will accompany the report with relevant proposals."

STATEMENT 63/04

Annex III, Section IV – Wild game

"In order to ensure that the Regulation achieves the objective of enhancing food safety and consumer protection, the Commission will review the new rules concerning the responsibilities of trained hunters as a matter of priority. In particular, the Commission will examine the rules allowing trained hunters to decide, in certain circumstances, that certain viscera need not accompany wild game to the game handling establishment for post-mortem inspection, and will consider whether more stringent control requirements are necessary depending on the scale of the hunting operation. It will, if appropriate, propose amendments to these rules."

STATEMENT 64/04

Annex III, Section V – Minced meat, meat preparations and MSM

"The Commission will, as soon as possible, seek new scientific advice on minced meat, meat preparations and mechanically separated meat (MSM) and, if appropriate, propose modifications to Section V of Annex III through comitology. It will also consider the need to amend the labelling rules in the light of the definition of MSM adopted for the purposes of hygiene legislation."

STATEMENT 65/04

Annex III, Section VII – Live bivalve molluscs

"The Regulation will not permit the re-immersing live bivalve molluscs in water, or their spraying with water, after they have been packaged for retail sale. However, the Commission will propose flexibility through comitology if it can be demonstrated that systems not respecting this rule do not endanger food hygiene."

STATEMENT 66/04

Annex III, Section VIII – Fishery products

"The Commission declares that, when it reports to the European Parliament and to the Council to review the experience gained from the implementation of the Regulation as provided for in Article 14, it will discuss in particular the issue of exemptions from the requirement to freeze certain fishery products in accordance with Annex III, Section VIII, Chapter III, Part D. If appropriate, it will accompany the report with relevant proposals.

The Commission will review the rules on the storage and transport of fishery products in cooled water and, if appropriate, make relevant proposals."

STATEMENT 67/04

Annex III, Section IX, Chapter I, Part I, paragraph 3(b) – Milk

"The Commission will consider the need for new scientific advice on cheeses with a maturation period of at least two months and on the use of the phosphatase test with milk from sheep and goats."

STATEMENT 68/04

Annex III, Section IX, Chapter I, Part I, paragraph 3(b) – Milk

"The UK delegation remains unconvinced that there are scientifically sound public health grounds to justify the prohibition of the use of milk from tuberculosis or brucellosis reactors. The stated intention of the legislation is to modernise food hygiene controls and maintain only those with public health benefit. In this case heat treatment of milk eliminates the organisms of concern."

STATEMENT 69/04

Annex III, Section X – Eggs and egg products

"The Commission confirms that, pursuant to Regulation (EEC) No 1907/1990 as amended by Regulation (EC) No 5/2001, it will submit a report to the Council by 30 June 2003, together with appropriate proposals. The report will discuss, in particular: the relationship between hygiene legislation and legislation on the marketing of eggs, including as regards identification marking; the approval of establishments; and the washing of eggs. The Commission will also submit a report to the Council (together, if appropriate, with proposals) discussing the introduction of flexibility regarding the time limit for the delivery of eggs to consumers and the possibility of linking the time limit to storage temperatures. The Commission will, if appropriate, seek scientific advice on these issues.

The Commission will review the analytical specifications for egg products contained in Annex III, Section X, Chapter II, Part IV, and make appropriate proposals."

Statements concerning the Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption

STATEMENT 70/04

Article 3(7)

"The Commission will examine how national lists of approved establishments are to be made available on the internet, as well as the minimum frequency for their updating and, if appropriate, make relevant proposals."

STATEMENT 71/04

Article 5(6)

"The Council regrets that the European Parliament has not accepted the balanced package of amendments it proposed to it in the light of the informal contacts between the institutions. In a spirit of compromise, it is however ready to accept the Parliament amendments. The Council invites the Commission to study the practical application of the provisions of Article 5(6) and Annex I, section III, Chapter III A and come forward as soon as possible with any appropriate proposal to apply the same provision to other species and to clarify the notion of internationally recognised certification."

STATEMENT 72/04

Article 5(6)

"With regard to Article 5, paragraph 6 and Annex I, Section III, Chapter III, the Commission will, as soon as possible after the entry into force of the Regulation, produce a report on slaughterhouse staff assisting in meat inspection with a view to examining whether and under what conditions the system in force at present for poultry meat and rabbit meat can be extended to other species such as fattening pigs and veal calves. The report will be accompanied by a legislative proposal as appropriate."

STATEMENT 73/04

Article 5(6)

"Sweden regrets that company-employed auxiliaries are not placed on a completely equal footing with official auxiliaries as regards their tasks, even though both categories are required to have the same training and competence and both must work under the supervision of an official veterinarian. Sweden regrets that it will no longer be possible to update the present rules through the committee procedure and expects the Commission swiftly to review the rules with a view to facilitating an extension of the system of company auxiliaries so that the latter are given equivalence with official auxiliaries."

STATEMENT 74/04

Article 15(2)

"The Commission confirms that factory and freezer vessels will always be listed under the name of their flag State, even when another State carries out inspections of the vessel concerned in accordance with Article 15(2)(b)."

STATEMENT 75/04

Article 17(6)

"The Commission declares that, whenever it consults Member States within the Standing Committee on the Food Chain and Animal Health in accordance with Article 17(6), it will do so without undue delay."

STATEMENT 76/04

Article 21 – Reviews

"The Commission declares that, when it reports to the European Parliament and to the Council to review the experience gained from the implementation of the Regulation as provided for in Article 21, it will discuss in particular whether:

- (a) different national approaches to staffing levels create problems for food safety;
- (b) it would be opportune to increase the minimum training requirements for official auxiliaries;
- (c) it would be appropriate to widen the scope of the rules permitting the slaughter of farmed game at the place of production.

If appropriate, it will accompany the report with relevant proposals."

STATEMENT 77/04

Annex I, Section III, Chapter IV, Part A

Unilateral statement by Belgium

"Under the amendment concerning paragraph 6a in Chapter IV.A of Section III of Annex I to the draft Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, Member States may allow exceptions to the requirements for professional qualifications in the case of certain official veterinarians, in particular those working on a part-time basis. This may undermine the general standard of training for official veterinarians. As that may affect the quality of official inspections, Belgium considers the amendment rather unwise. Moreover, the meaning of "part-time" veterinarians and "small businesses" is not spelled out anywhere in the text, which leaves extensive scope for interpretation. Belgium lastly deplores the fact that, under the amendment in question, official auxiliaries may be more specifically trained than part-time official veterinarians. Belgium is therefore unable to support the common position."

STATEMENT 78/04

Annex I, Section III, Chapter IV, Part B

"The Commission will consider whether it would be feasible and desirable to extend Annex I, Section III, Chapter IV, Part B, paragraph 8, to cases where official auxiliaries carry out other sampling and analysis tasks and, if appropriate, make relevant proposals."

STATEMENT 79/04

Annex I, Section IV, Chapter IX, Part A

"The Commission will seek scientific advice on whether it would be possible to certify regions as officially free of cysticercus and, if appropriate, propose the adoption of modifications to Annex I through comitology."

STATEMENT 80/04

Charging for the cost of official controls

"The Council and the Commission affirm that the Regulation will not affect Member States' ability to recover costs connected with official controls from food business operators in accordance with the Directive on veterinary fees, pending the adoption of the official feed and food controls Regulation."

STATEMENT 81/04

Animal welfare

"Sweden regards it as essential that an official veterinarian inspect all animals arriving for slaughter, to establish that the animals have not suffered during transport. Sweden furthermore considers that an official veterinarian should be present during slaughter in order, inter alia, to monitor animal protection as regards stunning and bleeding. The requirement for the presence of official veterinarians is important not least in order to preserve consumer confidence in the treatment of animals in connection with the production of meat and meat products. Sweden considers that exceptions should be made only for small slaughterhouses to which transport distances are short."

STATEMENT 82/04

Official food and feed controls Regulation

"The Council and the Commission agree that, in order to avoid redundancies, the adoption of the Regulation on official feed and food controls should lead to the deletion of the corresponding rules provided for in the Regulation laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, insofar as the more general rules provide the same high level of protection of public health. This may affect in particular the provisions:

- on the approval of establishments, including conditional approval;
- on national enforcement measures;
- setting out guarantees that third countries' competent authorities must provide to be able to export food to the Community; and
- for official controls to verify compliance with microbiological criteria for foodstuffs and food production.

Moreover, the Council and the Commission agree that the date of application of the Regulation on official food and feed controls should be as close as possible to that of the Regulation laying down specific rules for official controls on products of animal origin ¹."

¹ The representative of the Commission has a scrutiny reservation on the last sentence of this declaration.

STATEMENT 83/04

Statement by the Council

"The Council invites the Commission to come forward with a proposal in order to harmonise the conversion factors to deduct live weight of catches from processed weight of catches. In the meantime inspection services will apply the conversion factors of the flag state of the inspected vessel."

STATEMENT 84/04

Statement by the Commission

"The area covered by the recovery plan for Northern hake overlaps with the area covered by Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources (the "Western Waters" Regulation). This Regulation specifies the obligations to transmit, record and cross check the effort data of vessels operating in Western Waters. These obligations have existed since the entry into force of Regulation 685/95. The Commission therefore considers that no alternative control measures are justified in the areas covered by these Regulations.

In contrast, for that part of the hake recovery area that is not covered by the Western Waters regime, Member States may implement alternative control measures to ensure compliance with the reporting obligations referred to in Article 7 of the Northern hake recovery plan which are as effective and transparent as those reporting obligations."

STATEMENT 85/04

Statement by the Commission:

"The Commission regrets the adoption, on the basis of Articles 93 and 94, of a Directive to amend Directive 77/799/EEC concerning mutual assistance by the competent authorities of the Member States in the field of direct and indirect taxation. The Commission reaffirms its position, in line with its original proposal, that the legal basis should be Article 95 of the Treaty. The Commission recalls that the principal objective of this Directive is not the harmonisation of fiscal provisions, but to provide for the exchange of information between Member States. The Commission reserves its right to take such measures as it considers appropriate in this regard."

STATEMENT 86/04

Statement by the Commission

"The Commission has taken note of the wish expressed by the majority of Member States' delegations for greater flexibility in the implementation of apiculture programmes.

The Commission undertakes to increase the degree of flexibility in the management of its programmes beyond that which already exists with regard to expenditure forecasts. To that end it will propose that the Member States should have the option of changing, in certain circumstances, the actions planned in the programmes, provided that these changes do not go beyond the scope of the actions referred to in Article 2 of the proposal for a Regulation.

The enhanced flexibility will be included in the Regulation on the implementing rules for the Council Regulation, in accordance with the management committee procedure."

STATEMENT 87/04

Statement by the German delegation

"The financing of the Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture 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 88/04

Statement by the Commission

"The Commission has taken note of the Maltese request for revision of the figures mentioned in Article 8a), paragraphs 1b) and 3, concerning the overall fishing capacity for fishing vessels smaller than 12 metres overall length and of the "reference fishing capacity" for trawlers with an overall length equal to or less than 24 metres.

The Commission undertakes to examine the detailed justification for this revision to be provided by the Maltese authorities. It will, if appropriate, submit a proposal for amendment of this Regulation to the Council."

STATEMENT 89/04

Statement by the Commission on Article 9

"With a view to facilitating the transition from the use of driftnets to the use of other fishing gears that minimise cetacean by-catch, the Commission will, in the context of the forthcoming revision of Council Regulation (EC) No 88/98, review the existing seasonal closures for the use of fishing gear in the Baltic Sea."

STATEMENT 90/04

Statement by the Commission on FIFG co-financing

"The Commission declares that it will consider, in the framework of its pending proposal on the amendment of the FIFG Regulation, providing for a possibility for Member States to support the purchase of acoustic deterrent devices for commitments made in the years 2005 and 2006.

In its proposal for the post-2006 financial perspectives in the fishery sector the Commission will examine whether to include further possibilities for Community co-financing of measures in support of environmentally friendly fishing methods."

STATEMENT 91/04

Statement by the Commission

"The Commission confirms that Member States, when fulfilling their obligation to design and implement monitoring schemes for incidental catches of cetaceans using on-board observers, may charge the costs related to such observer programmes to any organisation or economic operator, including the owners of the fishing vessel or the vessel agents concerned."

STATEMENT 92/04

Statement by Italy

"The Italian delegation stresses its full support for these measures, the purpose of which is to reduce incidental catches of cetaceans in Community fisheries.

The Italian delegation voted against the compromise submitted by the Presidency solely because of the initiation of the programmes involving the presence of observers on board in the Mediterranean earlier than in other fishing areas. That decision is not supported by solid scientific arguments, particularly as the use of driftnets, which are the fishing equipment mainly responsible for catching cetaceans, is already prohibited in the Mediterranean."

STATEMENT 93/04

Statement by Spain

"The Spanish delegation supports the introduction of measures to reduce incidental catches of cetaceans in Community fisheries.

However, it is voting against the compromise put forward by the Presidency, as this delays the requirement to use acoustic deterrent devices (pingers) in area VII d, in comparison with other areas, without any good scientific reason, and delays a final ban on use of drift nets (the chief culprit in catches of cetaceans) in the Baltic Sea."

STATEMENT 94/04

Statement by the Estonian and Latvian delegations on the on-board observer scheme

"The Estonian and Latvian delegations consider that the on-board observer scheme and observer mechanism as defined in Article 4 and Annex III in the Council Regulation laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98 (docs. 7825/04 and 7725/04), should not be implemented for fishing vessels fishing with trawls and bottom-set gillnets (mesh size equal to or greater than 80 mm) in the sub-areas 26, 28, 29 and 32 of ICES division III d in the Baltic Sea.

The position of the delegations is based on scientific observations of harbour porpoises by the Ecosystem Advisory Commission of the International Council of Exploration of Sea (ICES) in 2003 and on the data from the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS).

According to the ICES data the appearance of the cetaceans in Eastern and Northern Baltic waters is very rare. Referring to the above argumentation, Estonia and Latvia are convinced that the proposed on-board observer scheme is neither justified nor proportional in the Eastern and Northern part of the Baltic Sea. This scheme should be substituted by a more appropriate data collection from the fishermen's logbooks as well as direct international scientific assessment."

STATEMENT 95/04

Statement by the Latvian and Polish delegations on the compensation mechanism for the measures phasing out driftnets in the Baltic Sea

"As the alternative fishing gears for salmon fishery are expensive and practically not applicable for replacing of the driftnets, the appropriate funding (in addition to FIG) should be initiated by the European Commission in order to offer compensation to the fishermen in case of the cessation of the previous fishing activities with drifting nets."

STATEMENT 96/04

Statement by Portugal on Article 9(5)

"Portugal believes that, in the event of a major supply disruption, the following procedure should apply:

1. The Commission should urgently (normally within eight days) assess the situation.
2. After consultations with the Gas Coordination Group within eight days, the Commission should, as appropriate, make necessary proposals to the Council.
3. Le Council should immediately prepare and convene a meeting to deal with the issue."

STATEMENT 97/04

Statement by the Commission

"The Commission notes the Council's unanimous agreement on the compromise text of the proposal for a Directive concerning measures to safeguard the security of natural gas supply.

The Council took Article 100(1) as the legal basis for the Directive. The Parliament has approved this approach. The Commission continues to believe that Article 95, on which it based its initial proposal, is the proper legal basis for the Directive.

The Commission also proposed that compulsory minimum national targets be set for gas storage. The Council, however, made such targets voluntary.

The Commission reserves its position on these issues, including the right to take appropriate legal measures."

STATEMENT 98/04

Statement by the Council on Annex IV

"The Council acknowledges that the transposition into their national law of Directive 85/73/EEC by 1 May 2004 poses problems for the acceding countries, insofar as that text has been amended substantially, particularly as regards the level of fees.

The Council would point out that these countries must, at the very least, transpose into their legislation the general principle contained in Directive 85/73/EEC, namely that veterinary inspection costs are to be covered by levying a fee.

In the case of the amounts of the fees to be applied to products intended for the internal market, the Council invites the Commission to allow the candidate countries to benefit from transitional measures pursuant to Article 57 of the Treaty of Accession."

STATEMENT 99/04

Statement by the Council on Article 41

"The Council calls upon the Commission to examine the possibility, for any given Member State, to combine the items of information to be forwarded to the Commission under Regulation (EC) No 1082/2003 with those to be provided under Article 41."

STATEMENT 100/04

Statement by the Commission on Article 55

"The Commission considers that the use of penal sanctions would be an important strengthening of controls on food and feed operators. The Commission refutes the Parliament's (and Council's) view that Article 55(2) and (3) relate to the third pillar. On the other hand, it notes that this issue has already been submitted to the Court of Justice for determination (in another case). In these circumstances and taking into account the overall political context of this procedure, the Commission is prepared to withdraw Article 55(2) and (3) of this current proposal pending the Court's determination of this issue and reserves the right to propose again measures providing for criminal sanctions in this field."

STATEMENT 101/04

Statement by Belgium on Article 27

"With regard to financing, the Belgian delegation considers that the principle whereby the costs of carrying out official controls are to be borne by all businesses in all sectors involved in the food chain should be enshrined in the Regulation of the European Parliament and of the Council on official feed and food controls, as laid down in the White Paper on food safety, so as to ensure the greatest possible transparency and uniformity."

STATEMENT 102/04

Statement by the Italian delegation on Article 27

"The Italian delegation considers it important to specify that this Article should allow each Member State to grant individual installations which employ an effective self-monitoring system, and which have the necessary structural and operational characteristics to facilitate performance of the official controls, a reduction in the minimum rates in Annex IV, Section B, up to the level of the veterinary costs actually incurred by the individual installation."

STATEMENT 103/04

Statement by the Commission on Articles 42 and 44

"The Commission will present in time to the Standing Committee the guidelines referred to in Articles 43 and 44(2) in order to facilitate the implementation of the requirement on the establishment of multi-annual control plans (Article 41) and the annual reports (Article 44), taking into account Community rules in the areas of animal health and animal welfare."

STATEMENT 104/04

Joint statement by the Council and the Commission

"Recognising that this Regulation will not become applicable until all of the Annexes have been completed and the implementing Regulation has been adopted, the Council and the Commission agree that a number of entries or provisions should be inserted into the Annexes and the implementing Regulation, as follows:

1) Annex XI (ad Articles 3(2) and 70(2)(c))

Taking into account the specific situation under Austrian and German legislation concerning special non-contributory cash benefits, the territorial scope of which is confined to part of their territory and which are excluded by virtue of Article 4(2b) of Regulation (EEC) No 1408/71, the following entries should be inserted in Annex XI to the Regulation:

"AUSTRIA"

This Regulation does not apply to benefits granted under Bundesländer legislation for disabled persons and persons in need of care.

"GERMANY"

This Regulation does not apply to benefits granted under Länder legislation for the disabled, and in particular for the blind.

2) the implementing Regulation and Annex XI (ad Articles 5 and 6)

Specific provisions, to be established in the context of the implementing Regulation, should aim both at preventing any possible overlapping impact of the principle of assimilation of facts or events under the legislation of two or more Member States and at complementing, by analogy, the priority rules already provided for under the existing Article 15 of Regulation (EEC) No 574/72, which will be reintroduced in the new implementing Regulation.

In cases where it is ascertained that, due to the specific features of national legislation, the unconditional implementation of the principle of assimilation of facts or events could lead to objectively unjustified results, the Member State concerned would seek for the appropriate Annex XI entry, guaranteeing specific coordination in the light of the principle of proportionality.

3) the implementing Regulation (ad Articles 24 to 26 and 35)

A balanced sharing between Member States of the cost of benefits in kind for pensioners and members of their family must be established. In cases where the reimbursement between States of the cost of benefits in kind to pensioners and members of their families – under Articles 24 to 26 of the text – is carried out on the basis of a fixed amount, the fixed amount will constitute 85 % of the average annual cost of benefits in kind for pensioners and members of their families in the State of residence. The remaining 15 % are expected to concern the cost of benefits in kind for pensioners and members of their families, which become medically necessary during their stay in Member States other than the State of residence. To avoid Member States which have opted for the possibility under Article 27(2),

and are listed in Annex IV, being overburdened by comparison with Member States which have not so opted, the States listed in Annex IV will reimburse to the State of residence of the pensioner or the members of his family only a reduced lump sum amounting to 80 % of the cost.

This condition shall be reflected in the provisions on the reimbursement of the cost of benefits in kind for pensioners and members of their families that are to be laid down in the implementing Regulation.

Provision shall also be made in the implementing Regulation to ensure that a Member State that calculates average annual costs does not impose double payment on other Member States.

4) the implementing Regulation (ad Article 27(5))

Ireland, Germany and the Netherlands being concerned about the administrative and possible financial implications of Article 27(5), a satisfactory solution should be found in the implementing Regulation in order to avoid problems connected to double payment and of cost control.

5) the implementing Regulation (ad Article 30)

The application of Article 5, in relation to Article 30, will be dealt with in the implementing Regulation.

6) **Annex XI (ad Article 34)**

The following paragraph should be inserted in Annex XI:

"(b) When applying Article 34, the Netherlands will provide a list of estimates of the amounts which are as close as possible to the actual expenditure incurred."

7) **Annex XI (ad Article 46)**

The following entry concerning the United Kingdom should be inserted in Annex XI:

"Where Article 46 applies, if the person concerned suffers incapacity for work leading to invalidity while subject to the legislation of another Member State, the United Kingdom shall, for the purposes of Section 30A(5) of the Social Security Contributions and Benefits Act 1992, take account of any periods during which the person concerned has received, in respect of that incapacity for work:

- (i) cash sickness benefits or wages or salary in lieu thereof,*
- (ii) benefits within the meaning of Chapters 4 and 5 granted in respect of the invalidity which followed that incapacity for work under the legislation of the other Member State, as though they were periods of short-term incapacity benefit paid in accordance with Sections 30A(1)-(4) of the Social Security Contributions and Benefits Act 1992."*

The following entry concerning Ireland should be inserted in Annex XI:

"Where Article 46 applies, if the person concerned suffers incapacity for work leading to invalidity while subject to the legislation of another Member State, Ireland shall, for the purposes of Section 95(1)(a) of the Social Welfare (Consolidation) Act, 1993 take account of any periods during which, in respect of the invalidity that followed that incapacity for work, he was regarded as being incapable of work under Irish legislation."

8) Implementing Regulation (ad Article 50)

Given the general interest in determining a common procedure for implementing uniformly this Article with regard to the date to be counted for the date of submission of a claim in respect of each institution concerned, in those "extraordinary" cases where the person concerned, when submitting the initial claim, provides no indication whatsoever of periods of insurance or residence having been completed under the legislation of a particular Member State, providing full information of his/her entire insurance career only at a later date (second claim or effective submission of the initial claim, sometimes at a very remote date), it was agreed that the issue of the administrative and economic consequences of such a retroactive – "deferred" – involvement of the institutions concerned, both for the latter and the ad hoc claimant, shall be dealt with under a comprehensive provision of a general character, to be established in the context of the implementing Regulation, which should expressly and comprehensively define the overall mutual rights and obligations both for the insured and the institutions involved.

In the light of the principles of equivalence and effectiveness for the purposes of fulfilling the objectives of Article 42 of the Treaty (from which Article 50 stems), to the extent that such

a delayed – a posterior effective – claim may be assimilated to an express request for postponement of the award of benefits (intentional omission), specific provisions should first expressly state that such an assimilation is subject to the legislation in question containing more favourable provisions in respect of the retroactive effects of a claim than those of the implementing Regulation and, secondly, that, although the person concerned has submitted the initial claim on a form, clearly asking for detailed information on the periods of insurance, employment or residence in the territory of another State and has been informed about the consequences of possible omissions on his/her part, has either given no indication or has merely given a negative reply in the corresponding sections of the document.

9) **Annex XI (ad Article 51)**

The following entry concerning Denmark should be inserted in Annex XI:

- "1. Notwithstanding the provisions of Article 6 of the Regulation, persons who have not been gainfully employed in one or more Member States are entitled to a Danish social pension only if they have been, or have previously been, permanent residents of Denmark for at least three years, subject to the age-limits prescribed by Danish legislation. Subject to Article 4, Article 7 does not apply to a Danish social pension to which entitlement has been acquired by such persons.*
- 2. The above-mentioned provisions do not apply to Danish social pension entitlement for the family members of persons who are or have been gainfully employed in Denmark, nor for students or the members of their families."*

10) Annex XI (ad Article 52)

It is agreed that the issue raised by Sweden in the context of Article 52 should be first examined by the Administrative Commission and, if an appropriate solution cannot be found in that context, that it should be solved by an Annex XI – "SWEDEN" entry.

11) Annex XI (ad Article 54)

The following entry concerning Finland should be inserted in Annex XI:

"For the purposes of determining entitlement and of calculating the amount of the Finnish national pension under Articles 52 to 54, pensions acquired under the legislation of another Member State are treated in the same way as pensions acquired under Finnish legislation."

12) Implementing Regulation (ad Article 56)

For the calculation of benefits or parts of benefits, which are financed exclusively by a funded pension scheme, only the capital accrued in this sense in this scheme is taken into account. It will depend on the ongoing further examination of this question whether an explicit provision in this sense is necessary in the implementing Regulation.

13) Annex XI (ad Article 60)

The existing Annex VI entries in respect of special schemes for civil servants shall be maintained by Spain in Annex XI.

14) Annex XI (ad Article 62(1))

Ireland underlined that the agreement on this paragraph should not anticipate the outcome of the discussions on Annex XI.

15) Implementing Regulation (ad Article 87(8))

Provisions concerning the notification to the previously competent institution by the person concerned or by the newly competent institution shall be included in the implementing Regulation.

The Council and the Commission further acknowledge that

16) International agreements (ad Articles 11(3)(c) and 65(6) and (7))

The agreement of Portugal on Articles 11(3)(c) and 65(6) and (7) is without prejudice to Portugal's request for fair treatment in the sharing of costs between Portugal and other States which are not members of the European Union, in the context of the agreements to be negotiated following the adoption of the this Regulation.

The Council and the Commission also agree that the following articles should be interpreted as follows:

17) Ad Article 20(2)

Without prejudice to the provisions outlined in Article 20(2), Ireland seeks to clarify that national criteria in addition to the ‘medically justifiable time limit’ referred to in the text of Article 20(2) can be applied by the Irish competent institutions when considering the referral of patients to another Member State under the Regulation. Ireland does, however, fully agree that the application of such additional national criteria must be in accordance with the provisions of Community Law.

18) Ad Article 35(2)

It is up to each individual Member State as a creditor to determine whether its legal or administrative structure is such that a reimbursement on the basis of actual expenditure is appropriate or not. This determination applies vis-à-vis all Member States unless other methods of reimbursement have been mutually agreed according to paragraph 3.

19) Ad Article 84(2)

Article 84(2) shall not be interpreted as imposing obligations on a Member State to do more than is required or permitted according to national legislation or procedures."

STATEMENT 105/04

Statement by the Council

"The Council understands that certain categories of migrant workers, in particular frontier workers, have an especial interest in both tax and social security rules. It recognises that this Regulation deals with the coordination of social security alone. It also recognises that tax is primarily an issue for individual Member States with issues of coordination dealt with in double taxation agreements. It notes the important role that double taxation agreements play and welcomes the efforts that some Member States have already made to coordinate tax through such agreements. The Council encourages better promulgation of these rules."

STATEMENT 106/04

Statement by the Commission

"The Commission considers that effective action against counterfeit and piracy requires criminal sanctions for serious infringements which are intentional and committed for commercial purposes. It also considers, in line with Article 20 of its original proposal, that where necessary to achieve a Community objective, such measures may be adopted under the powers conferred for the purposes of achieving the aims set out in Article 95 of the Treaty establishing the European Community. Consequently, the Commission will examine the possibility of proposing in due course further measures providing for criminal sanctions in this field."

STATEMENT 107/04

Statement by the Commission

"The Commission recalls its December 2002 communication on a framework for European regulatory agencies and its proposal for a Regulation establishing the European Railway Agency. The Commission believes, in accordance with European Parliament resolution of 13 January 2004 on the abovementioned communication, that a Board of limited size with members appointed by the Community's executives would ensure a better functioning of the Agency 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."

STATEMENT 108/04

Statement by the Commission

"The Commission notes that there is unanimity in the Council to replace the legal basis proposed by the Commission, namely Articles 95(1) and 175(1) by Article 175(1) of the Treaty.

The Commission considers that basing this act on Article 175(1) alone is not correct since this act clearly contains provisions that concern the functioning of the internal market and therefore should also be based on Article 95.

The Commission must therefore reserve its position in this matter, including its right to take appropriate future action."

STATEMENT 109/04

Joint statement by the United Kingdom and Germany on the occasion of the adoption of the Directive relating to compensation to crime victims

"Due to the special importance and urgency of adopting measures relating to compensation to victims of crime at a European level, the United Kingdom and Germany do not oppose Article 308 EC Treaty as the legal base for this Directive. The adoption of this Directive should not constitute a precedent for the future application of that Article."

STATEMENT 110/04

Statement by Malta and Slovakia

"Malta and Slovakia support the joint unilateral declaration made by the United Kingdom and Germany on the use of Article 308 of the Treaty establishing the European Community as a legal basis for the adoption of the Directive relating to compensation to crime victims."

STATEMENT 111/04

Statement by Germany

"On the occasion of the adoption of the draft Council Regulation (see 7575/04 SIRIS 42 SCHENGEN 3 COMIX 198 OC 245), Germany wishes to make the following statement :

Germany welcomes the agreement that has been reached on the SIS Regulation which was based on an initiative put forward by Spain. Germany would continue to argue that the authorities that issue residence permits for aliens need access to data on aliens in accordance with Article 95 of the Schengen Convention. Germany assumes that the Member States will soon reach consensus on this issue in the context of further discussions on the development of the SIS, and suggests that a specific brief should be given to the relevant working party.

On the occasion of the pending adoption of the draft Council Decision (see 10054/03 SIRIS 48 SCHENGEN 5 OC 343 COMIX 351) Germany wishes also to make the following statement:

Germany would point out that national members of Eurojust and their assistants, when carrying out their work for Eurojust, are not subject to national law but only to the Eurojust Decision. The technical arrangements for access to the SIS by national members of Eurojust must therefore be determined by the Council. Germany proposes that a technical access model be developed that is similar to that chosen for the partial participation of the United Kingdom and Ireland in the SIS.

Germany would also draw attention to the fact that the different wordings used in Article 101a(1) and 101b(1), under which only Europol is to have the right to search SIS data "directly", do not necessarily mean that no provision may be made for direct access by Eurojust (for the national members of Eurojust and their assistants).

Germany welcomes the agreement that has been reached on the SIS Decision which was based on an initiative put forward by Spain and would continue to argue that it is absolutely essential for Eurojust to have access to data in accordance with Article 100 of the Schengen Convention. Germany assumes that a start will be made without delay on examining the question of extending Eurojust's access to further categories of data, as already proposed at the Council meeting on 19 December 2002, taking account of the requirements set out in the letter from the Eurojust College. Germany also assumes that the Member States will soon reach consensus on these issues in the context of further discussions on the development of the SIS, and suggests that a specific brief should be given to the relevant working party."

STATEMENT 112/04

Statement by the Netherlands

"The Netherlands can agree to the content of the draft Decision. The Netherlands would however call attention to the statements which it made on the adoption of the Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, and on the adoption of the Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance, to the effect that the fact of the Council's reserving to itself certain implementing powers may not constitute a precedent for future decisions taken under Part Three, Title IV, of the EC Treaty.

In doing so, the Netherlands would point out that it has joined the Commission in legal proceedings before the Court of Justice of the European Communities in Luxembourg which the Commission has instituted against the Council (Case C-257/01) with a view to the annulment of Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance."

STATEMENT 113/04

Statement by Belgium

"In view of its geographical position, which involves no land borders within the meaning of the Schengen rules, Belgium considers that the concepts of refusal of entry and return ("refoulement") at the external borders constitute one single concept, which is embodied in national legislation by the term "return ("refoulement")". It accordingly declares that, in accepting the standard form annexed to this Decision, it reserves the right to retain the term "return (refoulement)" in the notification to be made to the persons concerned by the measure."

STATEMENT 114/04

Statement by the Netherlands

"The Netherlands can agree to the content of the draft Decision. The Netherlands would however call attention to the statements which it made on the adoption of the Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, and on the adoption of the Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance, to the effect that the fact of the Council's reserving to itself certain implementing powers may not constitute a precedent for future decisions taken under Part Three, Title IV, of the EC Treaty.

In doing so, the Netherlands would point out that it has joined the Commission in legal proceedings before the Court of Justice of the European Communities in Luxembourg which the Commission has instituted against the Council (Case C-257/01) with a view to the annulment of Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance."

STATEMENT 115/04

Statement by the Council

"The Council, having taken note of the intention of the Commission to bring forward in the near future a proposal for a common EU approach to the use of passenger data for border and aviation security and other law enforcement purposes, intends to reassess, if necessary, the provisions on data security of this Directive in the framework of its deliberations on the proposal of the Commission."

STATEMENT 116/04

Statement by the Commission

"The Commission considers that the draft Council Directive on the obligation of carriers to communicate passenger data must be interpreted in the light of its stated purposes, namely "to combat illegal immigration effectively and to improve border control".

As already announced, the Commission intends to propose by June 2004 a comprehensive legislative measure on data protection and exchanges of information between "law enforcement" authorities. The Commission would have preferred to await that measure before dealing piecemeal with law enforcement issues in this context."

STATEMENT 117/04

Statement by the Council on Article 4

"The Council states that the present Directive does not prevent Member States from allowing third country nationals or stateless persons found not to qualify for refugee status or subsidiary protection status to remain in their respective territories."

STATEMENT 118/04

Statement by the Council on Article 7

"For the purpose of applying Article 7, the Council, considering information from relevant international organisations, will endeavour to provide guidance on the question of whether an international organisation is actually in control of a State or a substantial part of its territory and whether this international organisation provides protection from persecution or suffering of serious harm, based on an assessment of the situation in the State or territory concerned."

STATEMENT 119/04

Statement by the Council and the Commission

"For the period from 1 May 2004 until 31 December 2004, the Council and the Commission state that, for the Republic of Latvia, the value of the euro in Latvian lat to be applied to the value of the levels of taxation may be the average value of the euro in December 2002."

STATEMENT 120/04

Statement by the Council and the Commission

"The Council and the Commission agree that, in this Directive, exemptions or reductions applicable to energy products and electricity used for district heating do not apply to usage in industrial processes.

On the basis of a proposal from the Commission, the Council undertakes to positively examine, before 1 January 2007, the issue of the level of taxation applicable to energy products and electricity used for district heating. The risk of distortion of competition and the social aspects of district heating, especially in the Acceding States, will have to be taken into account."

STATEMENT 121/04

Statement by Latvia

"The Republic of Latvia reserves the right to further examine the possible consequences of implementation of the new minimum levels of taxation on heavy fuel oil and natural gas with a view to assessing the possibility of prolongation of the transitional arrangements provided for in the new Directive."

STATEMENT 122/04

Statement by Malta

"Malta reserves the right to submit a request, in terms of Article 19 of Directive 2003/96/EC, in order to obtain authorisation for the prolongation of the transition period relating to the tax exemption on energy products supplied for use as fuel for the purpose of navigation in private pleasure seacraft (yachts, etc.) and private pleasure aircraft. The exemption is granted only on fuel supplied for outbound voyages from Malta."

STATEMENT 123/04

Statement by the Council and by the Commission

1. Guidelines ¹ will be adopted and published by the Commission as provided in Article 37 of the Regulation. They will provide non-binding orientations and guidance to operators so as to facilitate the application of the Regulation. It is understood that the Guidelines will not create any legal rights or obligations and that the Regulation will remain the binding instrument which will prevail in case of any divergence between the Regulation and the Guidelines.
2. It is understood that by following the Guidelines the operators would ensure that they are in compliance with the provisions of the Regulation addressed by the Guidelines.
3. The Commission will follow the developments in the field of safeguards and monitor the application of the Regulation. On this basis, the Commission may, as appropriate, modify the Guidelines. Prior to the adoption of any modification, the Commission will undertake to consult stakeholders and Member States. In adopting such modifications the Commission will take account of the positions expressed in such consultations.
4. It is understood that the Working Party on Atomic Questions, in a suitable composition, will be the forum for the consultation of Member States.

¹ Reference to doc. containing the final text of the Guidelines.

STATEMENT 124/04

Statement by Finland

"Finland would like to underline that when the requirements for the granting of a compulsory licence are being examined, individual interest should be always be included in public interest. Finland hopes that the Commission will monitor implementation of the Regulation, particularly as regards how the revised compulsory licence practice affects the operation of small plant breeding enterprises."

STATEMENT 125/04

Statement by the Commission on the application of Article 42(9) of Regulation (EC) No 1782/2003

"In order to help overcome possible transitional problems in implementing the reform, the Commission will examine whether in the Commission Regulations laying down the implementing rules for the single payment, the date of 29 September 2003 shall be replaced by 15 May 2004."

STATEMENT 126/04

Statement by the Commission on the application of Article 46(2) of Regulation (EC) No 1782/2003

"In the first year of application of the single payment scheme, for the purpose of applying Article 46(2) 2nd subparagraph of Regulation (EC) No 1782/2003, the case of a lease, during the reference period, of a holding or part of it, which expires before the date for lodging an application in the first year of application of the single payment scheme, may be considered a case of exceptional circumstances taking into account the fact that the lessee, at the expiry of the lease, has no possibility to transfer his payment entitlements without land, but he has to use them (at least 80% of them), firstly on an equivalent number of hectares.

The eligibility conditions of Article 33 of Regulation (EC) No 1782/2003 and Article 12(5) of Commission implementing Regulation shall of course apply."

STATEMENT 127/04

Statement by the Commission on the implementation of Council Regulation (EC) No 1782/2003

"In the context of the implementation of Council Regulation (EC) No 1782/2003, the Commission is prepared to examine the problems that may occur in the Member States, notably the risk of speculative events, and will take where appropriate the necessary measures."

STATEMENT 128/04

Statement by the Commission on tobacco-producing acceding States

"As regards tobacco, the Commission is prepared to examine the situation in the new Member States in the light of the transitional measures applied for the old Member States, at the latest at the end of 2005, and with a view to identifying an adequate solution."

STATEMENT 129/04

Statement by the Commission on Article 4(1)(b)(i)

"The Commission states that all vessels which were exempted from the obligation to install a satellite tracking device pursuant to Article 3(3) of Regulation No 2847/1993 are entitled to financial aid under Council Decision 2004/XXX on a Community financial contribution towards Member States' fisheries control programmes."

STATEMENT 130/04

Statement by the Commission on Article 4(1)(h)

"The Commission states its intention to exclude current Member States from eligibility for Community aid for the purchase and modernisation of vessels and aircraft used for inspection and surveillance of fisheries activities (Article 4(1)(h)), if the scheme is extended beyond 31 December 2005."

STATEMENT 131/04

Joint statement by Sweden and Germany

"At the meeting of the internal group on 2 April 2004 it was agreed that an A-item procedure should be initiated concerning the proposal for a Council Decision on a Community financial contribution towards Member States' fisheries control programmes. Although Germany and Sweden accepted this procedure, Germany and Sweden strongly maintain their original position that the Member States are responsible for the monitoring of fisheries activities. As a matter of principle, they should therefore also bear the costs of these monitoring measures."

STATEMENT 132/04

Statement by Portugal

"Regulation (EC) No 2371/2002 of 20 December 2002 establishes that Member States shall be responsible for placing observers on board fishing vessels.

At the end of October 2003 the European Commission submitted a proposal for a Regulation amending Regulation (EC) No 3069/95, establishing a Community observer scheme applicable to Community vessels operating in the NAFO area, the objective of which was to transfer that responsibility from the Commission to the Member States.

It is expected that the proposal for a Regulation will be adopted by the Council only at the end of April 2004, even though the proposal states that it will already be applicable as from 1 May 2004.

Since the change concerned has budgetary implications, regardless of whether the costs involved fall to Member States or to fishing enterprises, Portugal believes that the Regulation should not enter into force before the beginning of 2005, to allow for the necessary budgeting and for proper coordination between the Commission and the Member States regarding the practical aspects of the transfer of competences. This is advisable because the subject is highly sensitive and has economic and political aspects that should be handled with due care."

STATEMENT 133/04

Statement by the Swedish delegation

"In view of the Commission proposal on an increase of the TAC for 2004 of the eastern cod stock in the Baltic Sea, Sweden would like to communicate that Sweden still considers the stock situation to be very uncertain, a fact that is also recognised by ICES, and that a precautionary line of action should be taken. New scientific advice for next year will be available in May, and it would therefore have been preferable to await this advice and to follow the development of the cod stock in the Baltic Sea before taking further action."

STATEMENT 134/04

Statement by the United Kingdom delegation on Greenland cod

"The United Kingdom recalls its statement for the minutes of the December Agriculture and Fisheries Council in which the omission of a quota for Greenland cod from the Regulation setting TACs and quotas for 2004 was deeply regretted. That statement made it clear that this omission effectively prejudged whether the Council would adopt the draft Regulation giving effect to the content of the Protocol modifying the Fourth Protocol between the Community and Greenland. The UK therefore regrets all the more that this Regulation amending the quota arrangements for 2004 does not rectify the situation by reinstating the Greenland cod quota."

STATEMENT 135/04

Joint statement by the French and United Kingdom delegations on herring flexibility

"The provision by which Denmark, Germany and Sweden are offered the flexibility to fish up to 50% of their 2004 Skagerrak and Kattegat herring quotas in an area of the North Sea, an adjacent management area, is contrary to the principle of relative stability as it has been interpreted by the judgement of ECJ delivered on 18 April 2002 in 'Spain vs Council'. As such the French and United Kingdom delegations assert that footnote (3) to the HER 03/A quota in the first amendment to Annex IB of Council Regulation (EC) No 2287/2003 is contrary to the consistent implementation of the Common Fisheries Policy. Further, the provision is made in advance of an ICES opinion on the basis of an undemonstrated biological concern. In that respect, it is premature."

STATEMENT 136/04

Statement by the Commission

"The Commission notes that the flexibility arrangements concerning the fishing of part of the Community quotas of herring in the Skagerrak and the Kattegat in the North Sea are ad hoc arrangements for 2004 only. The Commission has no intention of proposing similar arrangements in the future."

APRIL 2004	
OTHER ACTS	Votes made public
Written procedure completed on 2 April 2004 Council Decision implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/902/EC 7604/04 Written procedure completed on 14 April 2004 Common Position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network 5762/04 + COR 1 (de) + COR 2 (en,da) + COR 3 (nl,en,pt,fi,sv) + ADD 1 + ADD 1 COR 1 + ADD 1 COR 2 + ADD 1 COR 3 (fr) Written procedures completed on 19 April 2004 Council Decision amending Articles 16 and 17 of the Protocol on the Statute of the Court of Justice 7274/04 Amendment of Articles 11a and 11b of the Rules of Procedure of the Court of Justice of the European Communities 7278/04 Council Decision amending Article 29(1) of the Rules of Procedure of the Court of Justice of the European Communities 7265/04 + COR 1 (fr,de,en,da,el,pt,fi,sv,ga) Amendment of Article 10 of the Rules of Procedure of the Court of First Instance of the European Communities 7279/04	

APRIL 2004	
OTHER ACTS	Votes made public
Council Decision amending Article 35(1) and (2) of the Rules of Procedure of the Court of First Instance of the European Communities 7269/04 Written procedure completed on 22 April 2004 Council Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating, inter alia, in Ukraine to imports of steel ropes and cables consigned from Moldova, whether declared as originating in Moldova or not 7976/04 2575th Council meeting (Agriculture and Fisheries), on 21 and 22 April 2004 Council Decision on the conclusion of an Agreement between the European Community and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment 7329/04, 9217/03 Council Decision concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation 10667/03 + COR 1 (fi) + ADD 1 (fr) + REV 1 (fr) Council Decision concerning the conclusion of a Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part 8135/04, 7371/01 + ADD 1 + ADD 2	

APRIL 2004	
OTHER ACTS	Votes made public
2576th meeting of the Council (General Affairs and External Relations), on 26 April 2004 Council Regulation amending Regulation (EC) No 2603/2000 imposing a definitive countervailing duty on imports of certain polyethylene terephthalate originating, inter alia, in Thailand 7689/04 Council Regulation amending Regulation (EC) No 2604/2000 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating, inter alia, in Thailand 7692/04 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 7791/04 Council Regulation amending Council Regulation (EC) No 2229/2003 imposing a definitive anti-dumping duty and collecting definitively the provisional anti-dumping duty imposed on imports of silicon originating in Russia 7843/04 + COR 1 Council Regulation amending Regulation 2042/2000 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan 7877/04 Council Regulation prohibiting imports of Atlantic blue-fin tuna (<i>Thunnus thynnus</i>) originating in Equatorial Guinea and Sierra Leone and repealing Regulation (EC) No 2092/2000 6698/04	

APRIL 2004	
OTHER ACTS	Votes made public
Council Regulation prohibiting imports of Atlantic bigeye tuna (<i>Thunnus obesus</i>) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No 1036/2001 6702/04 Council Regulation prohibiting imports of Atlantic swordfish (<i>Xiphias gladius</i>) originating in Sierra Leone and repealing Regulation (EC) No 2093/2000 6709/04 Council Decision concerning the conclusion of the Trade, Development and Cooperation Agreement between the European Community and its Member States, on the one part, and the Republic of South Africa, on the other part 7887/04 Burma/Myanmar • Council Common Position renewing restrictive measures against Burma/Myanmar 8315/04 • Council Regulation renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 1081/2000 8316/04 + COR 1 (en) Decision of the Representatives of the Governments of the Member States, meeting within the Council, concerning privileges and immunities granted to ATHENA 8269/04 Agreement between the Member States of the European Union concerning claims introduced by each Member State against any other Member State for damage to any property owned, used or operated by it or injury or death suffered by any military or civilian staff of its services, in the context of an EU crisis management operation 7479/04 + COR 1 (de,it,nl,da,pt,sv) + COR 2 (el) + COR 3 (fi) + COR 4 (fr)	

APRIL 2004	
OTHER ACTS	Votes made public
Relations with Russia - Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union 8527/04 - Council Decision on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 8528/04 2578th Council meeting (Agriculture and Fisheries), on 26 and 27 April 2004 Council Decision on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, of the one part, Barbados, Belize, the Republic of the 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 Surinam, 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 and, of the other part, the Republic of India on the guaranteed prices for cane sugar for the 2003/2004 and 2004/2005 delivery periods 7833/04	

APRIL 2004	
OTHER ACTS	Votes made public
Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of amendments to the Protocol establishing the fishing opportunities and the compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2001 to 15 June 2006, and in Decision 2001/179/EC setting the terms for financial support to Guinea-Bissau in the fisheries sector 6912/04 Council Decision on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean 6131/04 Council Regulation on the conclusion 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 Government of the Republic of Guinea on fishing off the Guinean coast 6845/04 Council Decision amending Decision 2003/231/EC 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) 8041/04 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 Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles 16182/03 + REV 1 (nl) + ADD 1	

APRIL 2004	
OTHER ACTS	Votes made public
2579th Council meeting (Justice and Home Affairs), on 29 and 30 April 2004 Council Resolution on security at European Council meetings and other comparable events 13915/03 + COR 1 Council Resolution on a Model Protocol for the Establishment in Member States of Partnerships between the Public and Private Sectors to Reduce the Harm from Organised Crime 6627/3/04 REV 3 + COR 1 (en,de,nl,da,fi,sv) Council Decision on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime 8763/04 Council Decision providing macro-financial assistance to Albania and repealing Decision 1999/282/EC 8790/04 Liberia • Council Common Position concerning further restrictive measures in relation to Liberia 8185/04 • Council Regulation concerning further restrictive measures in relation to Liberia 8186/04	

APRIL 2004	
OTHER ACTS	Votes made public
Relations with Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Ukraine and Uzbekistan • Signature and provisional application of Protocols to the Partnership and Cooperation Agreements to take account of the accession of the new Member States – Azerbaijan 8686/04 PESC 269 COEST 35 NIS 42 OC 433 8687/04 PESC 270 COEST 36 NIS 43 OC 434 – Georgia 8657/04 PESC 263 COEST 30 NIS 37 OC 420 8658/04 PESC 264 COEST 31 NIS 38 OC 421 – Kazakhstan 8741/04 PESC 282 COEST 41 NIS 49 OC 440 8742/04 PESC 283 COEST 42 NIS 50 OC 441 – Kyrgyzstan 8743/04 PESC 284 COEST 43 NIS 51 OC 442 8744/04 PESC 285 COEST 44 NIS 52 OC 443 + COR 1 (fr) – Moldova 8696/04 PESC 272 COEST 38 NIS 45 OC 436 + COR 1 (es) 8695/04 PESC 271 COEST 37 NIS 44 OC 435 – Ukraine 8697/04 PESC 273 COEST 39 NIS 46 OC 437 8698/04 PESC 274 COEST 40 NIS 47 OC 438 – Uzbekistan 8671/04 PESC 265 COEST 33 NIS 40 OC 427 8672/04 PESC 266 COEST 34 NIS 41 OC 428 Council Decision concerning the conclusion of the Cooperation Agreement between the European Community and the Islamic Republic of Pakistan 8745/04, 9290/98 + ADD 1 + COR 1 Steel products from Kazakhstan • Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Kazakhstan establishing a double-checking system without quantitative limits in respect of the export of certain steel products from the Republic of Kazakhstan to the European Community 8187/04 • Council Regulation on administering the double-checking system without quantitative limits in respect of the export of certain steel products from Kazakhstan to the European Community 8188/04	

APRIL 2004	
OTHER ACTS	Votes made public
Council Decision on the signature and provisional application of an Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union 8538/04 + COR 1 (es) Council Decision on the conclusion of the Framework Agreement between the European Community and the European Space Agency 8755/04 Council Decision concerning the conclusion of the Agreement on Scientific and Technical Cooperation between the European Community and the State of Israel 8015/04 Council Decision on the conclusion, on behalf of the European Community, of the Protocol to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, concerning cooperation in preventing pollution from ships and, in cases of emergency, combating pollution of the Mediterranean Sea 7719/04 + COR 1 (pt) + COR 2 (pt) Council Decision on the signature, on behalf of the Community, and the provisional application of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde, for the period 1 July 2004 to 30 June 2005 8136/04 Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 December 2003 to 2 December 2007, the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters 8149/04	

APRIL 2004	
OTHER ACTS	Votes made public
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 2006 the tuna fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Democratic Republic of Madagascar on fishing off Madagascar 8154/04 Council Decision concerning the conclusion by the European Community of the Protocol on the accession of the European Community to the European Organisation for the Safety of Air Navigation 5565/1/04 REV 1 Cyprus • Council Regulation on a regime under Article 2 of Protocol 10 to the 2003 Act of Accession 8208/04	