



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

PUBLIC 4

TRANSPARENCY

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
MARCH 2000

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in March 2000. It is accompanied by statements in the minutes which the Council decided to make public (**Annex II**). The summary also mentions any votes against and abstentions, as well as explanations of voting.

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question, and the information contained in Annexes I and II hereto, are available to the public on the Internet at the "Eudor" website (<http://www.eudor.com>; see "Transparency of the Council's legislative activities").

- in **Annex III**, a list of the other acts ¹ adopted by the Council in March 2000, with a reference, where appropriate, to voting results, explanations of voting and statements which the Council has decided to make public.

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

MARCH 2000

DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
2246th Council Economic and Financial Affairs on 13 March 2000 Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs Directive of the European Parliament and of the Council relating to the taking up and pursuit of the business of credit institutions 2247th Council Labour and Social Affairs on 13 March 2000 Council Decision on guidelines for Member States' employment policies for the year 2000 Legislative acts adopted following the European Parliament's second reading under the co-decision procedure Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (15.03.00)	PE-CONS 3605/00 PE-CONS 3604/00 + COR 1 (s) 6433/00 + COR 1 (d) Ref. doc. 7019/00	12/00	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
Directive of the European Parliament and of the Council amending Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine (15.03.00)	Ref. docs 7020/00 PE-CONS 3607/00 + COR 1		
Directive of the European Parliament and of the council amending Council Directive 79/373/EEC on the marketing of compound feedingstuffs and Council Directive 96/25/EC on the circulation of feed materials (15.03.00)	Ref. docs 7021/00 PE-CONS 3616/00		
2249th Council General Affairs on 20 March 2000			
Council Regulation amending Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station	6361/00 + COR 1 (fr,de,nl,en,es,pt,fin,sv)	13/00	
Council Decision amending Decision 97/787/EC providing exceptional financial assistance for Armenia and Georgia in order to extend it to Tajikistan	6485/00	14/00, 15/00, 16/00	
Council Decision authorising the Kingdom of the Netherlands to apply a measure derogating from Article 11 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of Member States relating to turnover taxes	5541/00 + COR 1 (fr,nl)		

MARCH 2000			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
2250th Council Agriculture on 20 March 2000 Council Decision designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines Council Decision concerning aid granted in Italy by RIBS S.p.A. in accordance with the provisions of national law No 700 of 19 December 1983 on the restructuring of the sugar beet sector 2251st Council Justice and Home Affairs on 27 March 2000 Council Decision authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies Council Decision on the establishment of a Financial Regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET"	6619/00 + COR 1 (fin)	17/00	D, A against
	6943/00	18/00	FIN, DK, NL abstentions
	13107/99 + COR 1	19/00, 20/00	
	7027/00	21/00	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
Council Decision on the improved exchange of information to combat counterfeit travel documents	6840/00	22/00	D against
Council Regulation on closer dialogue with the fishing sector and groups affected by the common fisheries policy	5980/00 + REV 1 (sv) + COR 1 (fin)	23/00	
Council Regulation opening and providing for the administration of autonomous Community tariff quotas for certain fishery products	7017/00	24/00	
2253rd Council Environment on 30 March 2000			
Council Directive amending Directive 77/388/EEC on the common system of value added tax – transitional provisions granted to the Republic of Austria and the Portuguese Republic	7025/00		
Council Decision authorising the Kingdom of the Netherlands to apply a reduced rate of excise duty to certain mineral oils, when used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC	6725/00		

STATEMENT 12/00**Joint Statement by the Council and the Commission**

"In order to allow for an effective evaluation of the implementation of the Employment Guidelines, while involving all the different institutional actors envisaged by the Treaty, the Council and the Commission are in agreement that the reports mentioned in Article 128 (3) of the Treaty should be submitted, insofar as possible, by 1 May 2000. The Employment Committee will be responsible for the practical aspects of the process.

Member States' reports for 2000 will contain a summary of the principal measures taken to implement the 1999 National Action Plans, the most significant results obtained and a description of the adjustments made to the National Action Plan to take account, in particular, of the changes introduced by the guidelines for 2000.

These reports will also indicate how the Council's 1999 recommendations have been taken into account in the implementation of Member States' policies.

The Council acknowledges the intention of the Commission to adopt its proposal for a joint employment report, as well as its proposals for the 2001 Employment Guidelines and recommendations, by mid-September 2000."

STATEMENT 13/00

Statement by the German delegation

"The Federal Republic of Germany welcomes the extension of Regulation (EEC) No 737/90 for 10 years until 31 March 2010. It regrets that the limit of 600 Bq/kg for other foodstuffs is being abolished in the case of concentrated or dried products and that the accumulated maximum radioactive level will be calculated on the basis of the reconstituted product as ready for consumption. This will complicate foodstuffs monitoring and possibly lead to a decline in the protection of the general public from more highly contaminated foodstuffs."

STATEMENT 14/00

Statement by the Commission

"In exceptional circumstances, the Commission, after consultation of the Economic and Financial Committee, may decide to request reductions in the net debtor position of the beneficiary countries, which are lower than the amounts of grant to be disbursed."

STATEMENT 15/00

Statement by the Commission

"Through the normal budgetary procedure or through transfer requests, the Commission will seek to obtain from the Budgetary Authority, each year, the appropriate grant amounts following from the Council Decision. However, the grant amounts actually disbursed will depend on the respect by the beneficiary countries of the policy conditions attached to the implementation of this assistance."

STATEMENT 16/00

Statement by the Commission

"In order to ensure coherence with the EC's general policy towards Tajikistan, it is proposed that the timing for the implementation of this exceptional financial assistance should be consistent with the political conditionality which is applied to other forms of EC assistance to Tajikistan (except purely humanitarian aid). Before effective implementation of this assistance, due account should therefore be taken of progress in the inter-tajik peace process, as per the general peace agreement of 27 June 1997, including in particular the outcome of the February 2000 parliamentary elections."

STATEMENT 17/00

1. "Germany has no objection to the establishment of an EU rabies reference laboratory. Neither has Germany anything against the designation of the Laboratoire d'études sur la Rage et la Pathologie des Animaux Sauvages in Malzeville (France) as a rabies reference laboratory.

However, the responsibilities of that laboratory may not exceed those of the EU reference laboratories already designated for other diseases.

The service character of the EU reference laboratory for national laboratories (preparation and provision of standardised reagents, stockpiling of viral strains and collaborative trials with the national reference laboratories at EU level) must play a prominent part. The responsibilities of the reference laboratory vis-à-vis third countries encroach on the work previously entrusted to the WHO Collaborating Centre for Rabies Surveillance and Research and the International Office of Epizootics at the Federal German Research Institute for Viral Diseases of Animals. Furthermore, approval of national laboratories for specific serological investigations (as is the case for other animal diseases) must remain the preserve of the national authorities.

In view of the above considerations, the German delegation is voting against the proposal".

2. "The Austrian delegation supports this statement."

STATEMENT 18/00

Statement by the Commission

"This is the first time that the Council is not, in connection with an aid scheme, taking account of a Commission Decision on the recovery of State aid. That raises a fundamental question, which has to be examined by the Commission. The Commission therefore reserves the right to initiate action against today's decision."

STATEMENT 19/00

Council Statement concerning the relations between Europol and third States and non-European Union related bodies

"The Council recognises the importance attached to the speedy development of formal relations between Europol and third States and non-European Union related bodies.

In accordance with Article 3, paragraph (3) in conjunction with Article 2, paragraph (2) of the Council Act of 12 March 1999 adopting the Rules governing the transmission of personal data by Europol to third States and third bodies – the Council shall take into account the law and administrative practice of relevant third States and non-European Union related-bodies in the field of data protection in reaching its decision to authorise the Director of Europol to enter into formal negotiations with these third States and non-European Union related bodies on agreements providing for the transmission by Europol of personal data.

In order to allow the Council duly to consider whether there are any obstacles to the start of such negotiations in relation to the third States and non-European Union related bodies mentioned in Article 2(1) of Council Decision 1999/ ... /EC of 1999, it invites Europol to prepare and submit reports to the Council on the laws and administrative practice in the field of data protection in these third States and non-European Union related bodies.

The Council invites the Commission to assist in the preparation of these reports through providing any relevant information in its possession."

STATEMENT 20/00

Council Statement concerning the priority to be given to third States and non-European Union related bodies

"The Council is of the understanding that the Management Board of Europol, in reaching its decision according to Article 3(1) in conjunction with Article 2(2) of Council Decision 1999/ /EC of 1999, should give priority to the accession candidates, the Schengen cooperation partners (Iceland and Norway), Switzerland and Interpol."

STATEMENT 21/00

Statement by the Council

"This Financial Regulation will not prejudice the mandate of the Working Groups on SIS and on SIS-Technology."

STATEMENT 22/00

Statement by the Commission

"The Commission regrets that, following entry into force of the Treaty of Amsterdam, the Council has not taken into account the comments made on the relevant legal basis. In line with the European Parliament's Opinion, the Commission considers that a distinction must be drawn between matters to do with the operating methods of Member States' administrations and the general objective of a legal instrument. In the case in point, the reference to improving information on travel documents is an objective reference to the relevant provisions of Articles 62 and 63 of the TEC, concerning controls at external borders and combating illegal immigration.

The Commission would point out that, according to consistent case law of the Court of Justice, the choice of legal basis for a Community measure must be based on objective criteria. The Commission considers that such criteria imply the use of Article 63(3) of the EC Treaty as the correct legal basis for the abovementioned draft Decision, since the underlying objective of the measure is primarily to combat unauthorised immigration.

The Commission also considers that the fifth recital of the draft Decision is redundant since it is not used to justify any part of the mechanism of the Community act in question. Moreover, it is partly contrary to Community law and in particular to Articles 2 and 3 of Directive 68/360/EEC.

In these circumstances, the Commission reserves its rights under the EC Treaty."

STATEMENT 23/00

Statement by the German delegation

"Germany rejects the Regulation in particular because of the funding of the preparatory meetings."

STATEMENT 24/00

Statement by the Commission

"The Commission undertakes to examine the supply situation concerning prawns of the species *Penaeus* by the end of April 2000, taking account of Community production and the scope for imports from preferential countries, and to make any appropriate proposals."

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OTHER ACTS	Votes made public
2246th Council Economic and Financial Affairs on 13 March 2000	
Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation 5133/2/00 REV 2 Council Regulation (EC) amending Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan 6119/00 Council Regulation (EC) apportioning the quantities of grain provided for under the Food Aid Convention 1995 (1.7.1998 to 30.6.1999) 5298/00, 6056/00 Annex Relations with ACP States and OCT • Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1998 6536/00 • Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1998 6537/00 • Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1995) (Eighth EDF) for the financial year 1998 6538/00 Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks 6417/00 Council Regulation on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta 6415/00 + COR 1 (fr,dk,es,el,it,nl,pt,sv,fin)	

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OTHER ACTS	Votes made public
Council Opinion on the updated stability programme of France, 2000-2003 6935/00 Council Opinion on the updated stability programme of Luxembourg, 1999-2003 6936/00 Council Opinion on the updated stability programme of Portugal, 2000-2004 6937/00 2248th Council Internal Market on 16 March 2000 Council Decision on the approval, on behalf of the European Community, of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty 11221/99 + COR 1 + COR 2 (el) + COR 3 (el) + COR 4 (fin) 1. <u>Statement by the Council and the Member States concerning Article 2</u> <i>"The Council and the Member States will periodically ascertain the stage reached in the procedures for ratifying the WCT and the WPPT in the Member States with a view to ensuring that the instruments of conclusion or ratification of the Community and of its Member States are deposited simultaneously. If there is a serious delay, the Council and the Member States will consider what action is to be taken."</i> 2. <u>Statement by the Council, the Commission and the representatives of the Governments of the Member States meeting within the Council concerning Article 3</u> <i>"When the Assemblies discuss matters affecting the Contracting Parties' rights and obligations concerning a field where competence is shared between the Member States and the European Community, the Council, the Commission and the representatives of the Governments of the Member States meeting within the Council reiterate their mutual obligation to co-operate closely in accordance with the EC Treaty and the case law of the Court of Justice.</i> <i>In order to fulfil this obligation, the Council and the representatives of the Governments of the Member States meeting within the Council will endeavour to reach a common position, acting by common agreement.</i> <i>In the absence of a common position, opinions expressed by the Member States will not jeopardise the attainment of the objectives of the EC Treaty."</i>	

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OTHER ACTS	Votes made public
2249th Council General Affairs on 20 March 2000	
Enlargement	
• Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Cyprus 6420/00 • Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Malta 6421/00	
Council Decision amending Decision 94/942/CFSP on the joint action concerning the control of exports of dual-use goods 6366/00	
Council Decision supplementing Decision 98/627/CFSP concerning a specific action of the Union in the field of assistance for mine clearance 6688/00	
Council Common Position extending Common Position 1999/206/CFSP concerning Ethiopia and Eritrea 6872/00	
Council Regulation (EC, ECSC, EURATOM) amending Regulation (EC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Communities 8268/99	
Council Regulation suspending, for a limited period, Council Regulation (EC) No 2151/1999 imposing a ban on flights between the territories of the Community and the Federal Republic of Yugoslavia other than the Republic of Montenegro or the Province of Kosovo and amending Regulations (EC) No 1294/1999 and No 2111/1999 as regards payments and supplies in relation to flights during the period of suspension 6870/00	

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OTHER ACTS	Votes made public
2250th Council Agriculture on 20 March 2000 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 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor 5103/2/00 REV 2 2251st Council Justice and Home Affairs on 27 March 2000 Council Regulation opening and providing for the administration of Community tariff quotas for certain fishery products originating in Ceuta 6683/00 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the front underrun protection of motor vehicles and amending Council Directive 70/156/EEC 5378/00 + COR 1 2252nd Council Transport on 28 March 2000 Directive of the European Parliament and of the Council on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway Approval by the Council of the European Parliament amendments from the 2nd reading 6243/00, PE-CONS 3610/00	

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OTHER ACTS	Votes made public
Inland transport: railway package Common Positions adopted by the Council with a view to the adoption of three Directives of the European Parliament and of the Council amending Council Directives 91/440/EEC and 95/18/EEC relating to the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification 5386/00 + COR 1 (nl), 5387/00, 5388/00 + COR 1 (nl) + COR 2 (en) <u>Explanation of vote by the Portuguese delegation</u> <i>"The main result achieved by approval of the Directives that make up the railway package is the opening-up of access to the infrastructure, laid down in the Directive amending Directive 91/440/EEC, the other amendments being complementary and instrumental in relation to that.</i> <i>However, for this opening-up to take place, it is essential that conditions of access to the infrastructure be guaranteed, in accordance with the principles of equity and non-discrimination.</i> <i>Portugal has always argued that the solution best allowing this objective to be achieved is, as recommended by the European Parliament and also by the Commission in its amended proposal, an institutional separation between the infrastructure manager and the rail transport operators.</i> <i>We consider that the solution agreed in the December 1999 Council does not sufficiently guarantee application of the above principles, which is why Portugal is abstaining in the vote on the amendment to Directive 91/440/EEC and is asking for the present explanation of vote to be attached to the Common Position when it is forwarded to the European Parliament."</i> 2253rd Council Environment on 30 March 2000 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment 5685/00 Common Position adopted by the Council with a view to the adoption of Recommendation of the European Parliament and of the Council providing for minimum criteria for environmental inspections in the Member States 5684/00 + COR 1 (fin)	P abstention

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OTHER ACTS	Votes made public
• Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Switzerland concerning the extension of the common communications network/common systems interface (CCN/CSI) within the framework of the Convention on a common transit procedure 6267/2/00 REV 2 + COR 1 (es) • Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Czech Republic concerning the extension of the common communication network/common system interface (CCN/CSI) within the framework of the Convention on a common transit procedure 6268/1/00 REV 1	
