

15101/03 (Presse 335)

2551th Council meeting

- TRANSPORT, TELECOMMUNICATIONS AND ENERGY -

Brussels, 5 December 2003

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

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PARTICIPANTS

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

<u>Belgium</u> :	
Mr François ROUX	Deputy Permanent Representative
<u>Denmark</u> :	
Mr Flemming HANSEN	Minister for Transport and Minister for Nordic Cooperation
<u>Germany</u> :	
Mr Ralf NAGEL	State Secretary, Federal Ministry of Transport, Building and Housing
<u>Greece</u> :	
Mr Christos VERELIS	Minister for Transport and Communications
Mr Georgios PASCHALIDIS	Minister for Merchant Shipping
<u>Spain</u> :	
Mr Francisco ÁLVAREZ-CASCOS	Minister for Internal Development
Mr Adolfo MENÉNDEZ	State Secretary for Transport
<u>France</u> :	
Mr Gilles de ROBIEN	Minister for Infrastructure, Transport, Housing, Tourism and the Sea
<u>Ireland</u> :	
Mr Séamus BRENNAN	Minister for Transport
Mr Dermot AHERN	Minister for Communications, Marine and Natural Resources
<u>Italy</u> :	
Mr Pietro LUNARDI	Minister for Infrastructure and Transport of the Italian Republic
Mr Guido VICECONTE	State Secretary for Infrastructure and Transport
<u>Luxembourg</u> :	
Mr Henri GRETHEN	Minister for Economic Affairs, Minister for Transport
<u>Netherlands</u> :	
Ms Karla PEIJS	Minister for Transport, Public Works and Water Management
<u>Austria</u> :	
Mr Herbert GORBACH	Vice-Chancellor and Federal Minister for Transport, Innovation and Technology
<u>Portugal</u> :	
Mr António CARMONA RODRIGUES	Minister for Public Works, Transport and Housing
<u>Finland</u> :	
Ms Leena LUHTANEN	Minister for Transport and Communications
<u>Sweden</u> :	
Mr Jonas BJELFVENSTAM	State Secretary at the Ministry of Industry, Employment and Communications
<u>United Kingdom</u> :	
Mr Alistair DARLING	Secretary of State for Transport
	* * *
<u>Commission</u> :	
Ms Loyola DE PALACIO	Vice-President

The Governments of the Acceding States were represented as follows:

Czech Republic :

Mr Milan ŠIMONOVSKÝ

Minister for Transport

Estonia :

Mr Meelis ATONEN

Minister for Economic Affairs and Communications

Cyprus :

Mr Kyriakos KAZAMIAS

Minister for Communications and Works

Latvia :

Mr Roberts ZĪLE

Minister for Transport

Lithuania :

Mr Zigmantas BALČYTIS

Minister for Transport

Hungary :

Mr István CSILLAG

Minister for Economic Affairs and Transport

Malta:

Mr Censu GALEA

Minister for Transport and Communications

Poland :

Mr Marek POL

Deputy Prime Minister, Minister for Infrastructure

Slovakia :

Mr Pavol PROKOPOVIČ

Minister for Transport, Post and Telecommunications

Slovenia :

Mr Jakob PRESEČNIK

Minister for Transport

Mr Janez POTOČNIK

Minister without Portfolio, responsible for European Affairs

ITEMS DEBATED

MARITIME TRANSPORT

SHIP SOURCE POLLUTION

The Council took note of a progress report on the proposal for a Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences. It reaffirmed its intention to adopt this legal instrument in the nearest future inviting the Permanent Representatives Committee to continue its work on this file.

The aim of the Directive is to transpose the international rules on ship-source pollution of the MARPOL Convention into Community legislation and to establish harmonised rules for their enforcement. It also extends the measures to include offences occurring on the high seas in accordance with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS).

Following the policy debate held at the last Transport Council (9 October), good progress has been achieved within the preparatory bodies of the Council. Consensus has been reached notably on the objective, the scope and the definition of main concepts. The main outstanding issues at this stage concern the reference to criminal sanctions and other concepts related to criminal law in a first pillar instrument, and the appropriateness of consider certain discharges resulting from damages to the ship, which are exempted under MARPOL¹², as offences within the meaning of this Directive.

The proposal stems from a call by the European Council in December 2002 at Copenhagen following the "Prestige" accident that further specific measures be taken relating to liability and corresponding sanctions in cases of ship-source pollution. At its meeting on 5 and 6 December 2002 the Transport, Telecommunications and Energy Council welcomed the Commission's intention to submit a proposal to ensure that any person who had caused or contributed to a pollution incident through grossly negligent behaviour should be subject to appropriate sanctions.

¹ Marpol 73/78 is the International Convention for the prevention of pollution from ships (1973) and its 1978 Protocol, as amended.

The European Council held in Brussels on 20/21 March 2003 reiterated and expanded on this by calling for the "adoption, before the end of 2003 and on the basis of the Commission's proposal, of a system of sanctions, including criminal sanctions, to deal with pollution offences on an appropriate legal basis."

EUROPEAN MARITIME SAFETY AGENCY

The Council agreed on a general approach, pending the European Parliament's opinion in first reading, concerning the proposal for a Regulation aiming at providing the European Maritime Safety Agency with new tasks in the field of maritime security and in the process of Community recognition of the training and qualifications of third country seafarers, as well as additional competence and means to fight pollution caused by ships.

The Council agreed on all outstanding questions, notably on the inclusion of clearly limited tasks in the field of maritime security into the remit of the Agency, consisting of a pure technical assistance to the Commission in the framework of the future Regulation on enhancing ship and port facility security. The agreement also provides, *inter alia*, for enabling the Agency to support the Member States on their request in case of accidental or deliberate pollution caused by ships.

The European Maritime Safety Agency was created as part of the second package of measures following the *Erika* accident and with the objective to provide Member States and the Commission with the necessary support to properly apply the corresponding Community legislation.

TRANSFER OF SHIPS REGISTER

The Council agreed unanimously on a general approach, pending the European Parliament's opinion in first reading, concerning the proposal for a Regulation on the transfer of cargo and passenger ships between registers within the Community.

The proposal aims at replacing Regulation (EEC) N° 613/91 on the transfer of ships from one register to another within the Community, extending its scope to passenger ships, introducing an appropriate articulation with several new Community instruments on maritime safety and reinforcing co-operation between the Member States through improved information flow and shorter delays.

INTERMODAL QUESTIONS

TRANS-EUROPEAN TRANSPORT NETWORKS (TENS) - Public deliberation

The Council reached political agreement on the common position on the draft Decision amending the guidelines for the Trans-European transport network (TEN-T), adapting them to the dimensions of an enlarged European Union. After finalisation of the text, the common position will be adopted at a forthcoming Council meeting and then sent to the European Parliament in the framework of the codecision procedure.

The agreement includes the following main points :

1. The concept of "motorways of the sea" aimed at concentrating freight transport on sea based logistic routes and the creation of maritime lines for the transport of goods. It was decided, however, that the motorways of the sea may include the combined transport of persons and goods, provided the freight transport is predominant.
2. The introduction of the concept of "projects of European interest" which provides priority treatment as far as financing and authorisation procedures are concerned. The Council decided to modify the Commission's proposal on some provisions regarding measures to be taken by the Commission in case a project is being delayed significantly.
3. The creation of a new coordination mechanism at Community level intended to facilitate in particular operational and financial cooperation between Member States participating in a cross-border project.
4. If necessary, it will be possible to add other projects to the list of priority projects through a proposal from the Commission in the context of the Report presented by the Commission every two years on the implementation of the guidelines.

5. The Council also unanimously agreed to add the river navigation project Seine-Scheldt to the list of priority projects proposed by the Commission. The Commission took the position that new projects should not be added at this stage of the decision-making process.

The Commission's proposal is complementary to the proposal amending the 1996 guidelines for the Trans-European transport network presented in October 2001 and takes into account the recommendations contained in the report of the High-Level Group chaired by former Commissioner for Transport, Karel Van Miert. The new proposal incorporates the priority projects adopted by the EEC in 1994 and adds new projects to the projects adopted by the Essen European Council in 1994.

This proposal amending the TEN-T guidelines goes hand in hand with a parallel proposal on the financial aid for the development of the network, which is designed to increase the level of Community participation in specified projects up to 30% while suggesting a series of new funding mechanisms, including ways of attracting larger participation by the private sector.

For what concerns the European Initiative for Growth relating to the Trans-European Transport Network, the Council took note with satisfaction of the decision by the ECOFIN Council to increase the Community financial contribution from 10 % to 20 % referring to cross-border projects and outlined how the Initiative for Growth regarding Transport is perfectly in line with the priority projects provided by the Commission and approved by the TTE Council on 5 December 2003.

AVIATION

ALLOCATION OF SLOTS AT COMMUNITY AIRPORTS – *Public deliberation*

The Council reached a political agreement with the abstention of the Belgian delegation on the proposal for a Regulation amending Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports. After finalisation of the text, the Council will formally adopt its common position at a forthcoming meeting and send it to the European Parliament in the framework of the codecision procedure.

The text agreed is intended to be a technical update of the present regulation, seeking to clarify the application of the existing regime, on a number of different points, including the independent status of coordinators and the functioning of slot allocation procedures.

The Council decided to leave a more substantial revision of the slot allocation system, including market access questions, to a second stage on the basis of a new Commission proposal.

EXTERNAL RELATIONS IN AVIATION

The Council took note of the information given by Commissioner Loyola de Palacio on progress in negotiations with third countries in the field of air transport, in particular in view of the second round of negotiations to take place with the United States in Brussels on 8-11 December and about the Commission's recent activities with other third countries, including Australia, New Zealand and Singapore.

On 5 June 2003, the Transport Council granted two mandates to the Commission:

- A mandate to start negotiations on behalf of the European Community and its Member States with the United States with a view to reaching an agreement in the field of aviation ("open aviation area"), and
- A "horizontal mandate" to negotiate with any third country on replacing certain provisions (particularly the designation clauses requiring national ownership and control) in existing bilateral agreements, so as to bring these agreements into line with the Community Law.

LAND TRANSPORT

ELECTRONIC ROAD TOLL SYSTEMS

The Council agreed on a general approach, pending the European Parliament's opinion in first reading, on the proposal for a Directive aimed at ensuring the interoperability among the various systems of electronic toll collection operating in the territory of the Member States.

In line with a resolution of the Council of 17 June 1997, the Commission presented in April 2003 a proposal for a Directive on the widespread introduction and interoperability of electronic road toll systems in the Community.

The Directive aims at ensuring interoperability through a 'single box' and a 'single contract'.

The 'single box', which is to be installed in vehicles, aims to avoid the current situation of drivers needing various 'boxes' in order to communicate with the different systems of electronic toll collection operating in the territory of the Member States. The single box shall contain equipment that is at least interoperable and capable of communicating with all the systems of electronic toll collection using one or more of the following technologies: (a) satellite positioning; (b) mobile communications using the GSM-GPRS standard; (c) 5,8 GHz microwave technology.

The 'single contract' aims to avoid that drivers have to enter into a separate contract with each and every operator of a system of electronic toll collection that they want to make use of. Under the European electronic toll service to be set up under the Directive, having one contract with one operator will be enough to be able to use all systems of electronic toll collection operating in the Member States.

The Directive also recommends that new electronic toll systems that are brought into service on or after 1 January 2007 use the satellite positioning and mobile communications technologies. This is an important signal for Member States – both existing and acceding – which do not have yet systems of electronic toll collection.

ROAD CHARGING INFRASTRUCTURE

The Council held a policy debate on the proposal for a Directive on the charging for use of road transport infrastructure by heavy goods vehicles

From the debate, it emerged that a majority of delegations attached great importance to this proposal and agreed that quick progress was needed towards the establishment of a new and updated Community-wide framework for infrastructure charging.

On 23 July 2003, the Commission adopted this proposal amending the so-called Eurovignette Directive (1999/62/EC). The main aims of the proposal are to require road tolls to better reflect the costs of transport, to create a more differentiated charging system, to widen the scope in terms of vehicles affected and to limit the uses to which revenue from tolls and user charges can be put.

The framework provided for by the proposal takes into account the following factors: distance travelled; damage caused to roads according to the type of vehicle; environmental impact in terms of the "EURO" emission standards for heavy goods vehicles; time of day; levels of congestion.

The framework covers the Trans-European road network and any road to which traffic may be diverted from that network and which is in direct competition with certain parts of that network. The Member States would remain free to apply tolls on roads not covered by the Directive, provided they comply with the rules and principles laid down in the Treaty.

WEEKEND BANS – *Public deliberation*

The Council examined the proposal for a Directive establishing a transparent system of harmonised rules for restrictions on heavy goods vehicles involved in international transport on the Trans-European road Network, as it has resulted from negotiations in the Council preparatory bodies. Several delegations stressed their general opposition to having a Community instrument in this field. These delegations considered that this issue should be dealt with by national legislation on the basis of the principle of subsidiarity. In the light of the debate, the Presidency concluded that the conditions for a political agreement were not present, and that Council would have to come back to the issue at a later stage.

The proposal, presented by the Commission initially in May 1998, provides for an EU-wide system of driving restrictions. At present seven Member States apply driving restrictions under their national legislation, although the detailed provisions differ from one Member State to another. In the absence of Community legislation, the Member States are free to introduce such schemes provided that they are not discriminatory.

ROAD SAFETY – Council conclusions

The Council took note of the presentation given by Commissioner Loyola de Palacio on the following :

- proposal for a Directive on driving licences (recasting)
- proposal for a Directive on minimum conditions for the implementation of Directive 2002/15/EC and Council Regulations (EEC) 3820/85 and (EEC) 3821/85 concerning social legislation relating to road transport activities
- Commission Recommendation on enforcement in the field of road safety

The Council adopted the following conclusions on road safety :

"THE COUNCIL OF THE EUROPEAN UNION,

CONCERNED to provide their citizens with the optimal safety conditions to which they are entitled in order to enjoy their inalienable right to mobility within a sustainable framework,

HAVING REGARD to the conclusions adopted by the Council of the European Union on 5 and 6 June 2003, aiming at improving road safety,

NOTES the political support for the adoption of these Council Conclusions expressed by the acceding countries,

AWARE that the current number of road accident victims in Europe represents an unacceptable human, social and economic disaster causing serious physical, psychological and material harm to the victims and their families as well as considerable socio-economic damage to society as a whole,

DECLARES that the huge number of human victims on the roads is too high a price to pay and that the eradication of this scourge is therefore a top priority on their political agenda. Any delay in action would mean further irreparable losses of human lives;

CONFIRMS the objective of an overall reduction of the number of victims by at least 50% by 2010, constituting a strong and motivating appeal to decision-makers and all other parties concerned as well as to the European public at large, stressing that each casualty is one too many.

FOLLOWS, to this end, the Commission guidelines set out in the *"European Road Safety Action Programme: Halving the number of road accident victims in the European Union by 2010: A shared responsibility"* agreed by the Council of the European Union;

UNDERLINES that improving road safety requires a mobilisation at all times and at all levels with a constant and sustained effort, that therefore much greater priority should be given to this undertaking and that the allocation of appropriate financial and professional resources should be ensured;

RECALLS that effective measures exist and that the greater the number of players participating in the implementation of such measures, the greater the impact will be. In addition, they emphasise that a strengthened cooperation between the many stakeholders that bear responsibility for road safety may better produce the expected results;

UNDERLINES the importance of ensuring effective enforcement of and respect for road safety regulations by all European citizens, with regard also to offences committed outside their country of residence, in order to prevent impunity;

REAFFIRMS that the cost of many road safety actions is extremely low if compared to the human, social and economic cost of hazardous roads;

AGREES, accordingly, on the need to promote in their respective countries, and through cooperation and exchange of best practice and appropriate European legislation, a comprehensive road safety policy based on the following measures that strengthen one another:

- a) pooling the information available to increase knowledge of the causes, circumstances and consequences of road accidents and drawing the necessary conclusions to prevent them from recurring as much as possible. In this regard, the parties agree to contribute, whenever appropriate, to the actions developed within the European Road Safety Observatory, as an internal body of the Commission, and stress their interest in carrying out relevant analyses based on comparable and exhaustive data as well as in disseminating the results of such analyses to scientific bodies, decision makers and the public at large, whilst respecting the privacy laws and regulations;
- b) promoting a gradual convergence of the main road safety regulations in order to eventually provide the European citizens with a single and commonly shared framework of values and rules within the European Union, such as speed limits, initial and continuous training of professional drivers, legislation on driving and rest times and its enforcement, driving licences, etc.;
- c) creating the most suitable regulatory, organisational, technical and economic conditions within each Member State in order to help raise the safety standards on European roads, identifying the most dangerous sections on hazardous European roads, implementing systematic and constant action aimed at raising the safety levels on the current road network, providing European citizens with comprehensive and accurate information on risk levels or risk situations as an additional tool for drivers' education and in order to raise awareness about the risk of road accidents;

- d) undertaking to effectively enforce those rules which, on analysis, have been shown to have the greatest effect in terms of reducing the number and severity of road accidents, for example those pertaining to speed limits, driving under the influence of alcohol and/or drugs, the wearing of safety belts and of crash helmets, even if the stricter enforcement of those rules may initially prove unpopular. In this regard, increased compliance with the law may be obtained through a combination of information, guidance and enforcement;
- e) setting up such effective regulatory, organisational, technical and economic conditions within each Member State and as appropriate at European level, as are necessary to improve and strengthen protection measures towards vulnerable users and users at risk, with special reference to pedestrians, cyclists, and young and elderly people; taking the most suitable measures to secure urban areas for pedestrians, cyclists, children and elderly people so that they can safely use city streets and squares;
- f) taking measures aimed at further improving the safety level of vehicles in each country by strengthening regulations and systematically providing citizens with detailed information on the results of ongoing research on vehicle safety at European level, and by promoting new technologies for road safety such as speed limitation devices, accident data recorders, seat belt reminders and e-safety, and by disseminating their use for new vehicles more rapidly and systematically;
- g) welcoming progress at EU level on the amendment of the Regulation on driving and resting time of professional road drivers and on the relevant enforcement of such regulations. Such actions should also concern working conditions related to road safety and all aspects connected with safety in general. In this regard, the growing internationalisation of road transport, private and professional alike, may require the convergence of a number of regulations in order to improve the standards of road safety;
- h) contributing to the provision to victims of road accidents and their families of effective medical, psychological and legal support of high quality;
- i) fostering with determination the development of a new culture of road safety among citizens (especially but not exclusively within the school-age population), the technical bodies and political decision-makers of both the public and private sector; in this respect, taking a proactive role in discouraging behaviours and expressions of popular culture or advertising which are contrary to this safety-oriented culture;
- j) fostering partnerships and cooperation between public administrations, companies, social representatives and citizens' associations in order to identify road safety goals, fixing priorities and actions and bringing road safety to the public's attention. Whenever appropriate, actively taking part in their implementation, using all necessary and appropriate means and in particular encouraging interested parties to sign the European Road Safety Charter."

ECO-POINTS SYSTEM - NEGOTIATIONS WITH THIRD COUNTRIES

The Council took note of the information given by Commissioner Loyola de Palacio on the preparation of draft recommendations and proposals in view of future agreements between the Community and Slovenia, Switzerland, Croatia and FYROM relating to the transitional transit system for heavy goods vehicles in Austria.

ANY OTHER BUSINESS– *Galileo*

The Council took note of the information given by Commissioner Loyola de Palacio on a number of issues relating to the GALILEO programme, particularly on the state of the negotiations with the United States of America, and also on the draft negotiating directives, which the Commission has just submitted, for co-operation agreements with India and Israel, as well as on the fiscal status of the Galileo Joint Undertaking in Belgium

– *Places of refuge*

The Council took note of the information given by Commissioner Loyola de Palacio on the state of preparation of Member States in drawing up their plans for places of refuge in accordance with Directive 2002/59/EC.

– *Double hull – IMO negotiations*

The Council took note of the information given by the Presidency and Commissioner Loyola de Palacio on the outcome of the negotiations held in the International Maritime Organisation (IMO) this week concerning the phasing-in of double hull oil tankers.

– *Passenger Name Record (PNR) Data*

The Council took note of the information given by Commissioner Loyola de Palacio on the most recent developments regarding the transmission to public authorities in the United States of airline passenger data and the conformity of this practice with the European Union laws and traditions in the field of privacy and data protection.

– ***Joint Aviation Requirements – Operational Standards (JAR-OPS)***

The Council took note of the opinion given by Commissioner Loyola de Palacio on progress achieved so far in view of reaching an agreement within the Council on the amended proposal for a Regulation on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

– ***Sea pollution***

The Council was informed by Commissioner Loyola de Palacio on contacts maintained with Latvian authorities concerning the situation of the 'Geroi Sevastopolya', a Russian single-hull oil tanker aged of 24 years, which is expected to transport 50.000 oil tonnes to Singapore through a similar route than the one followed by the 'Prestige'.

The Greek delegation voiced its concerns about the situation of the Greek and Philippine crew of a Maltese ship retained in Pakistan since July 2003 after an accident and concomitant oil spill of the ship where they were embarked.

– ***International Fund for Compensation for Oil Pollution Damage***

The French delegation reminded the Council of the importance of ensuring that the new Protocol establishing a complementary International Fund for Compensation for Oil Pollution Damage could enter into force as soon as possible. This Protocol adopted by the International Maritime Organisation on 16 May, provides for a five-fold increase in the compensation currently available to victims of oil spills.

ITEMS APPROVED WITHOUT DEBATE

AVIATION

Insurance requirements for air carriers* – *Public deliberation*

The Council adopted its common position on the draft Regulation establishing insurance requirements for air carriers and aircraft operators flying within, into, out or over the territory of the Member States of the European Union (13910/03 + 15251/03 ADD 1).

This proposal incorporates in binding Community law various rules provided for under international conventions and harmonises within the Community the requirements for air carriers and aircraft operators on insurance cover for passengers, baggage, cargo and third parties. These insurance requirements are without prejudice to the liability rules arising from international conventions, Community law and national law. These are minimum requirements. Member States may impose more stringent rules, for example in respect of the amount of obligatory insurance cover for passengers.

ENERGY

Cooperation in the field of energy with South East Europe*

The Council adopted the Memorandum of Understanding on the regional energy market in South East Europe and its integration into the European Community internal energy market (the so-called "The Athens Memorandum 2003") (15548/03).

The Memorandum states the intention of the parties to establish an integrated regional energy market in South East Europe by 2005 and progressively ensure its integration into the European Community's Internal Energy Market.

The Memorandum includes a series of actions with a view to achieve those objectives, in particular, through the approximation of the state policies with respect to the energy sector and particularly concerning the electricity and natural gas markets, and the promotion throughout the region of harmonised rules.

Air services agreements between Member States and third countries* - *Public deliberation*

The Council adopted its common position on the draft Regulation establishing Community rules for the negotiation and implementation of air service agreements between third countries and Member States (13732/03 + 15247/03 ADD 1). The text agreed addresses many of the Parliament's concerns, as expressed in its first reading opinion.

The Council made a number of changes to the Commission proposal, in particular on provisions on the Community notification and authorisation system, so as to allow Member States to continue to negotiate new agreements and update agreements already in force in a manner that is both efficient and responsive to the ever-shifting demands of the global market for aviation services.

ECOFIN

Taxation

The Council adopted a Directive authorising France to prolong the application of lower rates of excise duty to tobacco products released for consumption in Corsica (14852/03).

INTERNAL MARKET

Customs

The Council adopted a Resolution on creating a simple and paperless environment for customs and trade (14558/03). It invited Member States to ensure interoperability of customs systems in line with rules and standards to be agreed upon at Community level, and called the Commission to draw up, in close cooperation with Member States, a multiannual strategic plan, aiming at creating a European electronic environment, which is consistent with projects and developments scheduled or underway in the areas of customs and indirect taxation.

JHA

Legal immigration* – *Public deliberation*

Following the political agreement reached on 22 September 2003, the Council adopted its common position on the proposal for Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. in accordance with Article 251(2) of the Treaty (13263/03 + 14067/03 ADD 1). The Council will communicate its common position to the European Parliament with the reasons which led the Council to adopt it.

EXTERNAL RELATIONS

Arms exports – Report on application of EU code of conduct

The Council approved its fifth annual report on application of the EU code of conduct on arms exports, finalised at the fifth annual meeting on operation of the code held on 28 October in Brussels. (14712/1/03).

The code of conduct provides for information exchange and consultation among the Member States in order to ensure the convergence of national export control policies. Decisions by the Member States on practices relating to the code and its application are recorded in the annual reports. This year's report, following a precedent set in 2002, includes a compendium of agreed practices listing all decisions made.

ESDP

European Union Monitoring Mission (EUMM)

The Council adopted:

- a Joint Action prolonging Joint Action 2002/921/CFSP extending the mandate of the European Union Monitoring Mission (EUMM) (15213/03);
- a Decision extending the mandate of the Head of Mission of the EUMM (15214/03).

It is recalled that the primary objective of the EUMM is to contribute, in a flexible manner, through information gathering and analysis in line with directions from the Secretary-General/High Representative and the Council, to the effective formulation of Union policy towards the Western Balkans.

DEVELOPMENT POLICY

Climate change in the context of development policy – *Council conclusions*

"THE COUNCIL

I. Recalling

The European Council Conclusions of Cardiff (June 1998), Vienna (December 1998) and Gothenburg (June 2001), as well as the Development Council Conclusions of November 1999 and of November 2001 in which it encourages Member States and the Community to strengthen the integration of Climate Change (CC) into their development co-operation policies and to allocate appropriate additional financial resources for this purpose.

II. Reiterates that

1. CC is one of the largest environmental challenge in this century, while it should also be recognised as a threat to human welfare and a constraint to development;
2. CC disproportionately poses threats to developing countries, particularly least developed countries, small island developing states and other vulnerable countries that have a limited capacity to cope with CC;

3. CC and in particular its impact on poor people must be seen in the broader perspective of poverty reduction, sustainable development and food security;
 4. without appropriate action, the negative effects of CC would hinder the achievement of the Millennium Development Goals (MDGs) and long term sustainable development;
 5. the challenge of CC can only be met adequately through a concerted effort by the international community through multilateral co-operation and partnership between developed and developing countries;
 6. developed countries should take the lead in combating CC and its adverse effects, in accordance with the principle of common but differentiated responsibilities and respective capabilities;
 7. the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol are the key global instruments in efforts to address global warming and Climate Change;
 8. the Global Environment Facility plays an important role in supporting developing countries to implement the UNFCCC and integrating CC concerns in the elaboration and implementation of their poverty reduction and sustainable development strategies.
 9. In the context of the above, the Council also reiterates its determination to fulfil the Political Declaration in the framework of the Bonn Agreement of July 2001 on CC funding for developing countries.
- III. Welcomes the Commission communication on CC in the Context of Development Co-operation and notes that
10. CC concerns must be given a prominent profile in the dialogue with EU partner countries on development co-operation and in the dialogue on planning and programming of development activities,
 11. responses to CC should be country owned and country driven; decision to integrate responses to climate change should be taken through a process of consultation with a wide range of ministries and stakeholders, in particular civil society and those groups that are most vulnerable to climate change;
 12. given that CC is already taking place, adaptation to its adverse effects is an urgent necessity, particularly for vulnerable communities;
 13. actions on adaptation and on mitigation, will be necessary, and should be supported by, inter alia, development cooperation in line with country priorities, and synergies with the objectives of sustainable development and poverty eradication should be fully exploited;

14. efforts must be taken to strengthen the capacity and scientific knowledge of partner countries and to enhance technology transfer, in order for them to meet the challenge of CC, both in terms of adaptation and mitigation;
15. the appropriate mix of responses will ultimately be country specific taking into account the different needs and levels of economic development of partner countries, and be subject to national development priorities and ownership.
16. The Council will need to debate the use of ODA funding for Clean Development Mechanism (CDM) activities in co-ordination with the current work ongoing in the DAC.

V. Agrees

17. to pursue a CC strategy, within the context of development co-operation, based on the guiding principles¹ indicated in the Commission's Communication; the main components of the above strategy are the following: 1) raising the policy profile of CC, 2) support for adaptation to the impact of CC, 3) support for mitigation of CC and 4) capacity building;
18. that assistance to developing countries in their efforts to address CC should be part of the EU development co-operation activities, in particular at EC level in the context of the Mid-Term Review process and in accordance with the EC environmental policy objectives; such assistance should be coherent with and contribute to the overarching objective of poverty reduction and be integrated into poverty reduction strategies and/or national strategies for sustainable development;
19. to further develop the Action Plan laid down in Annex I to the Commission Communication in the relevant Council Expert Group with a view to its prompt adoption by the Council and its subsequent implementation, in a co-ordinated and complementary manner, by the Commission and the Member States in consultation with civil society and Partner Countries."

¹ (i) Contribution to the overarching objective of poverty reduction as stated in the EC development policy and, where appropriate, its six core areas; (ii) Contribution to the Millennium Development Goals and the outcome of WSSD; (iii) Coherence, both internally and externally, and on the following levels: (a) coherence with other EC and MS policies, (b) coherence with other development sector/thematic policies/strategies, (c) and coherence/synergies with support action for other Multilateral Environmental Agreements; (iv) Coordination and complementarity between the Community, Member States and other donors; (v) Primacy of national ownership of development strategies and processes; (vi) Broad stakeholder participation in the implementation process.

Information society and development

The Council approve an ACP–EU Joint Position on the information society in the context of development policy and agreed to authorise the Presidency to sign the text at the World Summit on the Information Society that will take place in Geneva from 10 to 12 December (*14902/03*).

This initiative stems from a request made by the ACP–EU Council of Ministers to the ACP Secretariat and the Commission in May.

STAFF REGULATIONS**EU officials remuneration and pensions***

The Council adopted a Regulation correcting with effect from 1 July 2002 the remuneration and pensions of officials and other servants of the European Communities (*14323/03 + 14332/1/03*). The correction is due to an adjustment for taking correct account of the trend remuneration of French civil servants.
