COUNCIL OF THE EUROPEAN UNION

Brussels, 25 November 2003 (06.01) (OR. fr)

14402/03
ADD 1

PV/CONS 62
JAI 323

ADDENDUM TO DRAFT MINUTES ¹

Subject: 2538th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Brussels on 6 November 2003

¹ The information from the Council minutes which is contained in this addendum is not confidential and may therefore be released to the public.
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"A" ITEMS

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Agenda items released to the public concerning the final adoption of Council acts

"A" items: (list: 14032/03 PTS A 55)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:

PE-CONS 3668/03 MAR 117 SOC 348 CODEC 1193 OC 575
+ COR 1 (fi)

The Council approved the amendments in the European Parliament's opinion and adopted the proposed act thus amended. (Legal basis: Article 80(2) of the Treaty establishing the European Community).

Item 10. Regulation of the European Parliament and of the Council concerning monitoring of forests and environmental interactions in the Community (Forest Focus)
PE-CONS 3681/03 ENV 590 FORETS 48 FIN 458 CODEC 1506

The Council approved the European Parliament amendments to the common position with the Swedish delegation voting against. The above Regulation is therefore deemed to have been adopted in the form of the common position thus amended. (Legal basis: Article 175 of the Treaty establishing the European Community).

1. Statement by the Commission

"The Commission takes note of the agreement reached by the European Parliament and the Council in second reading on the proposal for a Regulation concerning monitoring of forests and environmental interactions in the Community (Forest Focus).

The Commission must, however, recall the terms of the statement it made at the time of the adoption of the common position, as follows:

The Commission takes note that the Regulation of the European Parliament and the Council provides for a regulatory procedure regarding the implementation measures detailed in the proposal, as opposed to the management procedure proposed by the Commission.

The Commission believes that as the measures detailed in the proposal relate to the implementation of programmes with substantial budgetary implications they should be adopted by use of the management procedure. The measures are quite specific to the programme, therefore they are not general in scope, nor are they designed to apply, adapt or update the provisions of the instrument. For these reasons, the Commission does not consider the regulatory procedure to be appropriate.

In accordance with the judgment of the Court of Justice mentioned above, any choice of procedure which does not comply with the criteria for guidance contained in Article 2 of the Council Decision on the exercise of implementing powers conferred on the Commission must be clearly explained.

The Commission considers that in this case the text of the recital specifying the use of the comitology procedure does not sufficiently justify departing from the criteria contained in the Council Decision.

The Commission therefore reserves its right to make use of the legal means at its disposal."

2. **Statement by the Finnish and Belgian delegations**

"Finland and Belgium recall that the objective of the Forest Focus Regulation is to monitor forests and their environmental interactions. Forest fire prevention measures are eligible for support under Regulation (EC) No 1257/99.

The Finnish and Belgian position is that forest fire prevention measures should only be financed through one instrument. Therefore, Finland and Belgium believe that after 31 December 2006 forest fire prevention measures should not be financed under the Forest Focus Regulation but rather, for example, through Regulation (EC) No 1257/99."
3. **Statement by the Swedish delegation**

"**Sweden** is a country with an important forestry sector. As clarified in a declaration at the adoption of the common position, Sweden has major problems in principle with the proposed Regulation. In a spirit of compromise, Sweden decided however to vote for the common position. Regretfully, negotiations with the European Parliament have resulted in a compromise, which goes even further in the wrong direction. As it now stands, the proposal does not, in Sweden's view, sufficiently fulfil the initial intentions to divide monitoring and preventive measures. Specifically regarding forest fire prevention measures, Sweden is not opposed to Community measures, but finds the existing Regulation (EC) No 1257/99 the adequate legal act to be applied. For these reasons Sweden votes against the compromise with the European Parliament."