ADDENDUM TO THE DRAFT MINUTES

Subject: 2477th meeting of the Council of the European Union (Justice and Home Affairs), held in Brussels on 19 December 2002

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

Item 20. Council Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP

Item 40. Council Regulation laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes

Item 47. Council Regulation fixing for the 2003 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000

Item 49. Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products

Item 50. Export and import of dangerous chemicals
   - Council Decision approving, on behalf of the European Community, the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade

Item 51. Export and import of dangerous chemicals
   - Regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals

Item 52. Council Regulation implementing the Kimberley Process certification scheme for the international trade in rough diamonds
Agenda items released to the public concerning the final adoption of Council acts

"A" items (list: 15643/02 PTS A 71)

On finally adopting the "A" items relating to legislative acts, the Council agreed to make the following entries in these minutes:

Item 20. Council Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP
12608/02 CATS 55 RELEX 180

The Council adopted the abovementioned Decision. (Legal basis: Articles 30 and 31 and Article 34(2)(c) of the Treaty on European Union).

1. Council statement

"The Council invites Europol and Eurojust to hold regular meetings, for operational purposes and in order to achieve the best and most effective implementation of this Decision. The agreement to be concluded between Europol and Eurojust will determine the modalities of the holding of such meetings."

Item 40. Council Regulation laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes
13125/02 FIN 399 INST 124 + COR 1

The Council adopted the abovementioned Regulation. (Legal basis: Article 308 of the Treaty establishing the European Community).

2. Statement re Article 3

"The Commission undertakes, when it envisages the setting up of an executive agency, to present to the committee provided for in Article 23(1) of this Regulation a financial statement as defined in Article 28 of the Financial Regulation of 25 June 2002 applicable to the general budget of the European Communities and the implementing rules, containing a precise evaluation of the financial and budgetary implications, including in terms of savings and reallocation of appropriations released."
3. Statement re Article 15

"In accordance with Article 15 of the Regulation on executive agencies: The standard financial regulation applicable to the operating [i.e. administrative] budget of an executive agency shall be adopted by the Commission. The Commission undertakes to consult the European Parliament, the Council and the Court of Auditors on the draft standard financial regulation."

4. Statement re Article 18

"The Commission states that it will ensure that executive agencies use private-law contracts, subject to national laws, only as an exceptional arrangement and in compliance with the case law of the Court of Justice."

Item 47. Council Regulation fixing for the 2003 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000

14510/02 PECHE 199


Item 49. Council Regulation amending Regulation (EC) 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products

14730/02 UD 126

The Council adopted the abovementioned Regulation. (Legal basis: Article 26 of the Treaty establishing the European Community).

Item 50. Export and import of dangerous chemicals

– Council Decision approving, on behalf of the European Community, the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade

14425/02 ENV 678 WTO 155 MI 253

The Council adopted the abovementioned Decision. (Legal basis: Article 175(1), in conjunction with Article 300(2), first sentence, first paragraph and with Article 300(3), first paragraph of the Treaty establishing the European Community).
5. **Commission statement re legal basis**

"The Commission notes that there is unanimity in the Council to replace the legal basis proposed by the Commission, namely Article 133, by Article 175(1) of the Treaty. The Commission considers that Article 133 is the correct legal basis and reserves its right to make use of the legal means at its disposal."

6. **Statement by the Belgian and Austrian delegations**

"Belgium and Austria consider the setting of a timetable for simultaneous adoption by the EC of an external act, in the form of a Decision ratifying a multilateral environmental convention, and an internal act, in the form of a Regulation implementing that external act, to be a political and not a legal act.

The Decision ratifying the Rotterdam Convention on prior informed consent, which includes such a timetable in the sixth recital, cannot be taken as a precedent for any future Decisions ratifying multilateral environmental conventions such as the Stockholm Convention on persistent organic pollutants."

**Item 51. Export and import of dangerous chemicals**

- **Regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals**

PE-CONS 3675 ENV 727 WTO 163 MI 288 CODEC 1577

The Council approved the amendments set out in the European Parliament's Opinion and decided to adopt the proposed act as amended. (Legal basis: Article 175(1) of the Treaty establishing the European Community).

7. **Commission statement re legal basis**

"The Commission notes that there is unanimity in the Council to replace the legal basis proposed by the Commission, namely Article 133, by Article 175(1) of the Treaty. The Commission considers that Article 133 is the correct legal basis and reserves its right to make use of the legal means at its disposal."
The Council adopted the abovementioned Regulation. (Legal basis: Article 133 of the Treaty establishing the European Community).

8. **Council statement**

"The Council, reiterating Common Position 2001/758/CFSP of October 2001 on combating the illicit traffic in conflict diamonds, as a contribution to prevention and settlement of conflicts, will continue to support the consultation process of governments, industry and civil society referred to as "the Kimberley Process". The Council notes that to this end Member States may attend meetings of this process in their national capacity and participate within the limit of their national competencies, without prejudice to the competencies of the European Community in the Kimberley Process Certification scheme, where it is represented by the European Commission."

9. **Joint statement**

"In accordance with their respective competencies, the Council, the Member States and the Commission declare that, within the context of development programmes, requests for assistance form rough diamond producing and exporting developing countries, in particular Least Developed Countries, aiming at enabling these countries to meet their obligations and commitments under the Kimberley agreement, should be favourably considered. In close cooperation with the countries concerned, the Member States and the Commission will explore ways to provide technical assistance in implementing the certification scheme."

10. **Belgian statement**

"Belgium can approve the text of Annex IV (headed "Community certificate as referred to in Article 2") to the proposal for a Council Regulation implementing the Kimberley Process certification scheme for the international trade in rough diamonds, on the strict understanding that its approval is limited to the text of Annex IV and does not apply to any form of specimen certificate, which is not part of the text."