

8350/04 (Presse 180)

2578th Council meeting

- AGRICULTURE AND FISHERIES -

Luxembourg, 26 April 2004

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Minister for Agriculture and Food of Ireland

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- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
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PARTICIPANTS

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

Belgium:

Ms Sabine LARUELLE

Minister for Small and Medium-Sized Businesses, the Liberal Professions and the Self-Employed and Agriculture

Denmark:

Ms Mariann Fischer BOEL

Minister for Food

Germany:

Ms Renate KÜNST

Federal Minister for Consumer Protection, Food and Agriculture

Greece:

Mr Savvas TSITOURIDIS

Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for Agriculture, Fisheries and Food

France:

Mr Hervé GAYMARD

Minister for Agriculture, Food, Fisheries and Rural Affairs

Ireland:

Mr John MALONE

Secretary General, Department of Agriculture and Food

Italy:

Mr Paolo BONAZZA-SCARPA

State Secretary

Luxembourg:

Mr Fernand BODEN

Minister for Agriculture, Viticulture and Rural Development, Minister for Small and Medium-sized Businesses, the Liberal Professions and the Self-Employed, Tourism and Housing

Netherlands:

Mr Cornelis Pieter VEERMAN

Minister for Agriculture, Nature and Food Quality

Austria:

Mr Joseph PRÖLL

Federal Minister for Agriculture, Forestry, the Environment and Water Management

Portugal:

Mr Luís FRAZÃO GOMES

State Secretary

Finland:

Mr Juha KORKEAOJA

Minister for Agriculture and Forestry

Sweden:

Ms Ann-Christin NYKVIST

Minister for Agriculture

United Kingdom:

Mr Ben BRADSHAW

State Secretary

* * *

Commission:

Mr David BYRNE

Member

The Governments of the acceding States were represented as follows:

Czech Republic:

Mr Zdenek RUŽIČKA

Deputy Minister for Agriculture

Estonia:

Mr Margus RAJUOJA

Deputy Head of Mission

Cyprus:

Mr Michael CONSTANTINIDES

Permanent Secretary

Latvia:

Mr Martins ROZE

Minister for Agriculture

Lithuania:

Mr Jeronimas KRAUJELIS

Minister for Agriculture

Hungary:

Mr Ferenc NYUJTÓ

Deputy State Secretary, Ministry of Agriculture and Regional Development

Malta:

Mr Francis AGIUS

Parliamentary Secretary

Poland:

Ms Ewa SYNOWIEC

Deputy Head of Mission

Slovenia:

Mr Milan POGACNIK

Minister

Slovakia:

Mr Juraj NOCIAR

Deputy Head of Mission

ITEMS DEBATED

ANIMAL WELFARE DURING TRANSPORT

After several hours in plenary session and after bilateral meetings were held in the margins of the meeting, the Council, having discussed the proposal for a Regulation on the protection of animals during transport and related operations (11794/03), agreed to leave this file.

The Presidency concluded that there had not been sufficient movement towards reaching political agreement by qualified majority on the subject.

GENETICALLY MODIFIED MAIZE BT 11

The Council examined the proposal for a Council Decision (5916/04) authorising the placing on the market of sweet corn from genetically modified maize line Bt 11 as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

In January 2004 the Commission submitted this proposal to the Council following the absence of a favourable opinion from the Standing Committee on the Food Chain on authorising Bt11 sweet corn as a novel food.

The Presidency took note that the positions adopted at the level of the Standing Committee had not changed sufficiently to allow a decision to be reached in Council on the Commission's proposal.

OTHER BUSINESS– ***Dioxin content***

The Danish delegation drew the attention of the Council and the Commission to the precautionary measures taken by the Danish Government concerning Baltic salmon following the discovery of dioxin content in excess of Community standards. Denmark introduced a fishing and marketing ban on Baltic salmon on 31 March 2004. The Danish delegation expressed the wish to have further details from the Commission concerning the measures taken at Community level.

Commissioner Byrne, having thanked the Danish delegation, reminded the delegations that his Institution had already expressed its concerns as regards the presence of dioxin in food and feed. He stressed that maximum levels had already been set for food, feed and fish since 2001 and that limits had already been set to the presence of dioxin in order to protect public health. He encouraged acceding countries to submit as soon as possible their data concerning Baltic salmon.

– ***Genetically Modified Organisms in seed***

(8689/04)

The Danish and Austrian delegations, supported by the Luxembourg delegation, stressed the need for the Community to establish clear rules for GMOs in seed and called upon the Commission to put forward as soon as possible a new proposal with respect to the labelling and content of GMOs in seed, in which the thresholds would be set at detection level (0,1%). These delegations expressed their concerns regarding the various threshold values to be set for seed and the need for the Commission to consult national experts prior to its decision.

The German delegation indicated its concerns following the considerable reduction of conventional crops in countries where GM crops had been introduced and wanted that fair and proper rules to be implemented very soon. The Italian delegation pointed to the need to have a clear definition as regards the adventitious presence of GM seed and also urged the Commission to present a proposal setting low tolerance thresholds. These thresholds could be changed, if necessary, in the next years depending on how national legislation performed.

Commissioner Byrne indicated that his Institution had been working on establishing thresholds regarding the adventitious presence of GMO content in seeds, and that a draft decision on this matter, in the framework of Directive 2001/18/EC on the deliberate release of GMOs, would be submitted in the coming weeks to a Committee for initial examination.

– *Application of Community legislation in acceding countries*

The Slovak delegation, supported by the Polish and the Czech delegations, drew the attention of the Council and the Commission to the need to have a limited number of products covered by a list set out in Commission Regulation (EC) No 1972/2003 on transitional measures to be adopted in respect of trade in agricultural products of the acceding countries. This Regulation provides in particular for a list of surplus stocks at 1 May 2004 on which the new Member States should levy charges to ensure that these products do not qualify for a double export refund, before 1 May 2004 if originating in the European Union of 15 Member States and after 1 May 2004, the date of enlargement, if exported from a new Member State. These delegations, supported by other acceding countries, with some of the Member States showing a degree of understanding, had already raised this issue at the Agriculture and Fisheries Council on 17 November 2003 (14387/03), underlining the administrative burden and extra costs involved in managing this list of surplus stocks.

Commissioner Byrne indicated he would transmit this request to Commissioner Fischler for further examination, as this issue came under the latter's scope of competence.

ITEMS APPROVED WITHOUT DEBATE

AGRICULTURE

Ungulate animals

The Council unanimously adopted a Council Directive laying down animal health rules for the importation into the Community of certain live ungulate animals, and amending Directives 90/426/EEC and 92/65/EEC (*13300/03 + 7722/04*).

The aim of the proposal was to lay down animal health rules for the importation into the Community of certain live ungulate animals, and to amend Directives 90/426/EEC and 92/65/EEC. This was to be done in the follow-up to the outbreaks of disease within the European Union, in particular foot-and-mouth disease (FMD) as well as classical swine fever (CSF). The proposal would bring together the import conditions and requirements for FMD susceptible species currently contained in two separate Directives – one covering domestic species (Council Directive 72/462/EEC) and the other covering wild species (Council Directive 92/65/EEC). Directive 90/426/EEC and Directive 92/65/EEC should therefore be amended accordingly.

The final text of the Directive, to be transposed into national law 18 months after its date of entry into force, took on board several amendments of the European Parliament, including the extension of the scope of the Directive so as to cover not only imports, but also the transit of live ungulates in the Community (Article 1). Derogations as regards imports from authorised third countries where certain diseases are present and/or vaccination against those diseases is carried out should be made only on a case-by-case basis.

EC/Switzerland Agreement on trade in agricultural products

The Council adopted by means of a Decision a Community position on the amendment of Appendix 5 to Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products. This amendment introduces a change following a decision of the Joint Veterinary Committee as regards the rules for animals sent for grazing in border areas (*7245/04*).

Beekeeping*

The Council unanimously adopted a Regulation on actions in the field of beekeeping (*5637/04 + 8006/04 + ADD 1 + 6346/04*). The aim of the Regulation is to improve the marketing of bee products and the conditions of production. This will be done through 3-year programmes with measures including the fight against bee disease (varroasis), and scientific research for improving the quality. The Community budget amounts to EUR 16,5 million and 50% of the expenditure will be co financed.

Genetic resources*

The Council adopted a Regulation establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture (5124/04 + 6764/04 + 8203/04).

The aims of the proposal are to:

- ◆ finance measures to promote the conservation, characterisation, collection and utilisation of genetic resources in agriculture, allowing for a wider coverage of plant and animal diversity and, at the same time, helping implement the Biodiversity Action Plan for Agriculture, with particular emphasis on complementing the scope (as regards beneficiaries and/or eligible actions for funding) of the "Rural Development" Council Regulation (EC) No 1257/1999,
- ◆ promote the exchange of information and close co-ordination between the Member States and between the Member States and the Commission, with regard to the conservation and sustainable use of genetic resources in agriculture, in line with the requirements and needs of the Common Agricultural Policy,
- ◆ facilitate co-ordination in the field of international undertakings on genetic resources in agriculture, in particular within the Convention on Biological Diversity, the International Treaty on Plant Genetic Resources for Food and Agriculture and the FAO's Global Plan of Action for the Conservation and Sustainable Utilisation of Plant Genetic Resources for Food and Agriculture, since the conservation and sustainable use of genetic resources in agriculture are essential to the sustainable development of agricultural production and of rural areas.

Sugar

The Council adopted a Decision on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community, the ACP countries and the Republic of India on the guaranteed prices for cane sugar for the 2003/2004 and 2004/2005 delivery periods (7833/04). These guaranteed prices for preferential sugar with the ACP States and the Republic of India are set at EUR 52,37/100 kilograms for raw sugar and EUR 64,65/100 kilograms for white sugar.

Pesticides - *Public deliberation**

The Council reached political agreement on the proposal for a Regulation on maximum residue levels of pesticides (7635/03 + 8270/04 ADD 1 REV 1 + 8683/04 ADD 1).

The purpose of the Regulation is to introduce a system establishing a Community maximum level (varying in the light of the toxicity of the pesticide) for pesticide in products of animal and plant origin. The proposal would simplify the current system by replacing the existing system of national authorisation, after a period of transition, with a Community procedure of authorisation by the European Food Safety Authority (EFSA) on the basis of risk assessment. The Regulation will facilitate trade between Member States and replace four Directives with a single Regulation in the pesticide residue sector. The Regulation also fixes a maximum "default" limit for unauthorised use of pesticide (e.g. inadvertent use).

The role of the European Food Safety Authority (EFSA) will be to provide scientific evaluation work and the setting of Maximum Residue Levels for pesticides (MRLs). At technical level however, a mechanism is envisaged in which Member States would perform a preliminary evaluation of MRL applications, in line with current procedures under Directive 91/414/EEC. The Commission will take the opinion of EFSA on temporary MRLs into account, where relevant, when setting temporary MRLs.

Official food and feed controls* - *Public deliberation*

The Council adopted at first reading, under the codecision procedure, a Regulation on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (3632/04 + 7306/04 ADD 1 + ADD 2).

This Regulation completes the first package of the food and feed hygiene review of Community legislation. It lays down general rules for the performance of official controls to verify compliance with rules aiming, particular, at preventing, eliminating or reducing to acceptable levels risks to humans and animals and guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information. The Regulation establishes official controls at all stage, underlines the responsibility and training of competent staff in performing official controls, sets the same procedures for controls on food and feed from third countries, and establishes the financing of the official controls by minimum rates of fees and charges collected by Member States.

Feed hygiene requirements* - *Public deliberation*

The Council reached political agreement on a Regulation of the European Parliament and of the Council laying down requirements for feed hygiene (7522/04, 8323/2/04 ADD 1).

Agricultural holdings after enlargement - *Public deliberation*

The Council reached political agreement on a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 571/88 on the organisation of Community surveys on the structure of agricultural holdings after enlargement (8307/04, 8517/04). This agreement incorporates the amendments of the European Parliament. The Regulation sets the maximum amounts of the Community contribution to be made towards the expenses incurred for the 2005 and 2007 surveys for the ten acceding countries and also sets the financial framework for these countries at EUR 43.7 million for the period 2004-2006.

FISHERIES

EEC/Guinea Bissau fishing Agreement

The Council adopted a Regulation on the conclusion of an Agreement between the European Economic Community and the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau for the period 16 June 2001 to 15 June 2006 (5 years) and setting the terms for financial support to Guinea Bissau in the fisheries sector (6912/04 + 13625/03).

The Regulation provides fishing opportunities for five Member States (Italy, France, Greece, Portugal and Spain) as regards shrimps (4 400 gross registered tonnes), fin-fish (4 400 gross registered tonnes), tuna seiners (40 vessels), surface longliners and pole and line tuna vessels (30 vessels).

The financial compensation will amount to EUR be 7 260 000/year.

Fishing Convention

The Council adopted a 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 (5209/04, 6131/04).

The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the 1995 UN Fish Stocks Agreement (UNFSA). The area of competence of the WCPFC accounts for 60 % of world tuna resources.

This Decision will enable the Community to sit at the session of the Western and Central Pacific Fisheries Commission (WCPFC).

EEC/Republic of Guinea fishing Agreement

The Council adopted a Regulation on the conclusion of a five- year Protocol (2004-2008) defining the fishing opportunities for Spain, Portugal, Greece, France and Italy for fin-fish and cephalod fishing, shrimp fishing, tuna seiners, pole-and-line tuna vessels, surface longliners (15999/03, 6845/04).

The financial contribution amounts to EUR 3 400 000 in 2004, comprising EUR 2 000 000 in financial compensation and EUR 1 400 000 for measures aimed at achieving objectives associated with the sustainable management of Guinean fisheries resources. These amounts may be increased in 2005 up to a maximum of EUR 3 825 000 and in 2006 up to a maximum of EUR 4 250 000, in proportion to the abovementioned increases in fishing opportunities.

Migratory species and fish stocks

The Council adopted a Regulation amending Regulation (EC) No 973/2001 laying down certain measures for the conservation of certain stocks of highly migratory species and a Regulation amending Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (7663/04, 7666/04).

Fishery resources in the Mediterranean Sea: accession of Malta*

The Council adopted a Regulation concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea with a view to the accession of Malta to the European Union (13406/03, 8163/04 ADD 1 + 8162/04). The Regulation introduces conservation measures in the 25-mile management zone around Malta in accordance with the guidelines fixed in the 2003 Treaty of Accession to the European Union. These derogations concern the maximum size of vessels and the fishing capacity of trawlers. Other provisions prohibit the fishing of dolphin in the management zone.

Catches of cetaceans *

The Council formally adopted the Regulation laying down measures concerning incidental catches of cetaceans in fisheries, after having reached a political compromise by a qualified majority (see 7125/04 for details of the compromise), the Italian and Spanish delegations indicating their intention to vote against (7878/04 ADD 1 - ADD 4, 8621/04, 7825/04).

ENERGY

Security of natural gas supply*

The Council adopted a Directive establishing measures to safeguard an adequate level for the security of gas supply and contributing to the proper functioning of the internal gas market (6120/04 + 8669/1/04).

The Directive establishes a common framework within which Member States will define general, transparent and non-discriminatory security of supply policies compatible with the requirements of a competitive internal gas market, clarify the general roles and responsibilities of the different market players and implement specific non-discriminatory procedures to safeguard security of gas supply.

The Directive will enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Member States will bring into force the laws, regulations and administrative provisions necessary to comply with the Directive two years after the date of entry into force of the Directive .

INTERNAL MARKET

European Community - United Nations Economic Commission for Europe (UN/ECE)

The Council adopted the EC position on the UN/ECE draft Regulation concerning the uniform prescriptions applicable to the approval of internal combustion engines to be installed in agricultural and forestry tractors and in non-road mobile machinery, with regard to their net power, net torque and specific fuel consumption (5924/04).

The draft Regulation is aimed at abolishing the technical barriers to trade in motor vehicles between the Contracting Parties as far as these components are concerned, while ensuring a high level of safety and environmental protection. The Community, represented by the Commission, should vote in favour of the draft Regulation, during the vote at the meeting of the Administrative Committee at a forthcoming meeting of the World Forum for Harmonisation of Vehicle Regulations of the UN/ECE.

The Council also adopted the EC position on the UN/ECE draft Regulation on uniform prescriptions concerning the approval of cornering lamps for power-driven vehicles (5925/04).

The draft Regulation is aimed at establishing harmonised technical provisions to avoid the creation of technical barriers to trade in motor vehicles between the Contracting Parties as far as these components are concerned, while ensuring a high level of safety and environmental protection. The Community, represented by the Commission, should vote in favour of the draft Regulation during the vote at the meeting of the Administrative Committee at a forthcoming meeting of the World Forum for Harmonisation of Vehicle Regulations of the UN/ECE.

Civil liability in respect of the use of motor vehicles - *Public deliberation*

The Council adopted the common position on the draft Directive on insurance against civil liability in respect of the use of motor vehicles (16182/03). The objective of the proposal is to update existing provisions in the field of motor vehicle insurance.

The common position adopted by the Council is fully in line with the main objective of the Commission's proposal. Although certain provisions take greater account of national options, the Directive will fulfil the aim of simplifying administrative provisions in a more efficient internal market for motor vehicle insurance, while at the same time taking full account of the interest of better protection for consumers and potential victims.

The Council has furthermore been in a position to accept some of the key EP amendments, at least in part or in substance, in an effort to meet Parliament's concerns and to follow good legislative practice on a number of important points.

Intellectual property rights* - *Public deliberation*

The Council, by approving the European Parliament's first reading amendments, adopted the proposed Directive as amended, with Austria and Italy abstaining, on measures and procedures to ensure the enforcement of intellectual property rights (*PE-CONS 3636/04*).

This Directive, the objective of which is to approximate legislative systems so as to ensure a high, equivalent and homogeneous level of protection in the Internal Market, will enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Member States will bring into force the laws, regulations and administrative provisions necessary to comply with the Directive twenty-four months after the date of its adoption.

TRANSPORT

Second Railway Package - *Public deliberation*

The Council adopted the so-called "Second Railway package" consisting of the:

- Directive 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, with the Belgian and Luxembourg delegations voting against (*PE-CONS 3638/04*);
- Directive amending Council Directive 96/48/EC and Directive 2001/16/EC on the interoperability of the trans-European railway system, with the Belgian and Luxembourg delegations voting against (*PE-CONS 3639/04*);
- Regulation establishing a European Railway Agency, with the Belgian and Luxembourg delegations voting against (*PE-CONS 3640/04*);
- Directive amending Council Directive 91/440/EEC on the development of the Community's railways, with the Belgian and Luxembourg delegations voting against and the French delegation abstaining (*PE-CONS 3641/04*).

The legislative package was adopted in accordance with the joint texts arrived at by the Conciliation Committee at its meeting on 23 March 2004. It aims to revitalise the European railway sector and further complete the internal market for both service providers and manufacturers. Boosting the competitiveness of this mode of transport, it should contribute to the rebalancing of the modal split - particularly in the field of freight transport - with its consequent positive effects on the reduction of both congestion and pollution. In order to perform the highly technical and complex tasks of designing the tools, a European pool of expertise in the form of a European Railway Agency would have a purely advisory function.

RESEARCH

Euratom / Enlargement

In order to take account of the enlargement of the European Union, the Council adopted the Decision amending Decision No 2002/668/Euratom to increase the financial reference amount for the implementation of the sixth framework programme for the period 2002 to 2006 to EUR 1 352 million (7443/04).

TRADE POLICY

Antidumping – Ukraine - Steel ropes and cables from Moldova

On 22 April the Council adopted, by written procedure, a Regulation extending, to imports of steel ropes and cables from Moldova, an anti-dumping duty imposed by Regulation No 1796/1999 on imports of steel ropes and cables from Ukraine (7976/04).

CULTURE

Community programmes supporting European audiovisual works and industry - *Public deliberation*

The Council adopted two European Parliament and Council Decisions, as amended by the European Parliament at first reading, prolonging the existing action programmes MEDIA-Training and MEDIA-Plus unchanged for 2006 (*PE-CONS 3642/04 + PE-CONS 3643/04*).

The MEDIA-Plus programme is aimed at encouraging the development, distribution and promotion of European audiovisual works. The MEDIA-Training programme is a training programme for European audiovisual industry professionals.

New MEDIA-Plus and MEDIA-Training programmes are planned to start in 2007.

ENVIRONMENT

Electrical and electronic equipment waste - temporary derogations for acceding countries

The Council adopted a Decision allowing Cyprus, Malta and Poland to extend the time-limits provided for by Directive 2002/96/EC on waste electrical and electronic equipment (8000/04).

Acceding countries will benefit from an extra period of 24 months to ensure a rate of separate collection of electrical and electronic equipment waste and to attain minimum targets for waste recovery and recycling.

Elimination of persistent organic pollutants* - *Public deliberation*

The Council adopted a European Parliament and Council Regulation, as amended by the European Parliament at first reading, aimed at eliminating the presence of persistent organic pollutants in the environment (*PE-CONS 3627/04 + 8291/1/04 ADD 1*).

The Regulation establishes the legal framework for the implementation of the Stockholm Convention and for the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants.

It aims to protect human health and environment against chemical pollutants transported across international boundaries far from their sources and which persist in the environment and bio-accumulate through the food web. Taking into account the precautionary principle, rules are established to eliminate the production, placing on the market and use of intentionally produced persistent organic pollutants, and to minimise releases of those substances.

SOCIAL POLICY**Co-ordination of social security systems* - *Public deliberation***

The Council approved the amendments proposed by the European Parliament, at second reading, on a Regulation on the coordination of social security systems. The European Parliament and Council Regulation is therefore deemed to be adopted (*15577/6/03 + ADD 1 + 8478/04 + 8548/04 ADD 1*).

The Regulation aims to facilitate the free movement of persons within the Community, removing the obstacles resulting from the coexistence of different national social security systems. European citizens should be allowed to move freely, either for study, leisure or professional reasons, without losing social security benefits, in particular family, sickness, maternity and paternity, accident at work, unemployment, invalidity and old age benefits.

The Regulation will replace the system currently in force (Regulation No 1408/71) with a simpler structure, updated concepts and a broader personal and material scope. The reform maintains or improves the current rights of European citizens.

Health and safety in the workplace - Exposure to carcinogens and mutagens - *Public deliberation*

The Council adopted a Directive of the European Parliament and the Council on the protection of workers from risks related to exposure to carcinogens and mutagens at work (*PE-CONS 3605/04*).

The text is a codified version of Directive 90/394/EEC.