

10091/02 (Presse 183)

2441st Council meeting

**- AGRICULTURE -**

Luxembourg, 27 June 2002

President : **Mr Miguel ARIAS CAÑETE**

Minister for Agriculture, Fisheries and Food of  
the Kingdom of Spain

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## CONTENTS<sup>1</sup>

<b>PARTICIPANTS</b> .....	<b>4</b>
---------------------------	----------

### **ITEMS DEBATED**

SHIPBUILDING – DEFENCE MECHANISM AGAINST UNFAIR PRACTICES.....	5
ZOONOSSES .....	6
THE HYGIENE OF FOODSTUFFS .....	7
VETERINARY FUND – Presidency conclusions .....	8
BSE – SITUATION REPORT .....	8
ETHYL ALCOHOL OF AGRICULTURAL ORIGIN.....	10
REPORT ON FRUIT AND VEGETABLES – Presidency conclusions .....	10
AGRICULTURAL INSURANCE – Presidency conclusions .....	10
"FETA" .....	11
PROSPECTS FOR AGRICULTURAL MARKETS .....	12
OTHER BUSINESS.....	12
– GMOs IN AGRICULTURE .....	12
– NITROFEN.....	13
– MID-TERM REVIEW OF AGENDA 2000: FRENCH AND PORTUGUESE POSITIONS .....	14
– TOBACCO REPORT .....	15
– EVOLUTION OF THE CEREALS MARKET .....	15

<i>ITEMS APPROVED WITHOUT DEBATE</i> .....	<i>I</i>
--	----------

<i>AGRICULTURE</i> .....	<i>I</i>
--------------------------	----------

– Imports of high-quality beef .....	I
– Non-commercial movement of pet animals .....	I
– Teschen disease and African swine fever * .....	I

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<sup>1</sup> 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.

<i>EMPLOYMENT AND SOCIAL POLICY</i> .....	<i>II</i>
– Coordination of social security systems.....	II
– Renewal of the Advisory Committee on Freedom of Movement for Workers .....	II
– Replacement of two members of the Advisory Committee on Safety, Hygiene and Health Protection at Work .....	II
<i>TRANSPORT</i> .....	<i>III</i>
– Rail transport statistics * .....	III
<i>RESEARCH</i> .....	<i>III</i>
– Cooperation agreement with Ukraine .....	III
<i>RELATIONS WITH THE CCEEs</i> .....	<i>IV</i>
– Romania/Slovakia – revised country reports on Justice and Home Affairs.....	IV
– Estonia – new tariff concessions on certain agricultural products .....	IV
<i>ECOFIN</i> .....	<i>V</i>
– Supplementary and amending budget No 3 to the 2002 budget .....	V
– Excise duty on fuel containing biodiesel .....	V
<i>EDUCATION AND YOUTH</i> .....	<i>V</i>
– Lifelong learning .....	V
– Third phase of the Trans-European cooperation scheme for higher education (Tempus III) (2000-2006).....	V
– European cooperation in the Youth field .....	VI
<i>INTERNAL MARKET</i> .....	<i>VI</i>
– European Data Protection Supervisor .....	VI
– Agricultural machinery .....	VI

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## **PARTICIPANTS**

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

### **Belgium :**

Mr José HAPPART

Minister for Agriculture and Rural Affairs (Walloon Region)

### **Denmark :**

Ms Mariann FISCHER BOEL

Minister for Food, Agriculture and Fisheries

### **Germany :**

Ms Renate KÜNST

Mr Martin WILLE

Federal Minister for Consumer Protection, Food and Agriculture  
State Secretary, Federal Ministry for Consumer Protection, Food and Agriculture

### **Greece :**

Mr Georgios DRYG

Minister for Agriculture

### **Spain :**

Mr Miguel ARIAS CAÑETE

Minister for Agriculture, Fisheries and Food

### **France :**

Mr Hervé GAYMARD

Minister for Agriculture, Food, Fisheries and Rural Affairs

### **Ireland :**

Mr Joe WALSH

Minister for Agriculture and Food

### **Italy :**

Mr Giovanni ALEMANNO

Minister for Agricultural and Forestry Policy

### **Luxembourg :**

Mr Fernand BODEN

Minister for Agriculture, Viticulture and Rural Development

### **Netherlands :**

Mr Laurens-Jan BRINKHORST

Minister for Agriculture, Nature Management and Fisheries

### **Austria :**

Mr Werner WUTSCHER

Secretary-General to the Federal Minister for Agriculture, Forestry, the Environment and Water Management

### **Portugal :**

Mr Armando SEVINATE PINTO

Minister for Agriculture, Rural Development and Fisheries

### **Finland :**

Mr Jari KOSKINEN

Minister for Agriculture and Forestry

### **Sweden :**

Mr Per-Göran ÖJEHEIM

State Secretary to the Minister for Agriculture

### **United Kingdom :**

Ms Margaret BECKETT

Secretary of State for the Environment, Food and Rural Affairs

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### **Commission :**

Mr Franz FISCHLER

Member

Mr David BYRNE

Member

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**SHIPBUILDING – DEFENCE MECHANISM AGAINST UNFAIR PRACTICES**

The Council adopted, by a qualified majority, a Regulation setting up a temporary defence mechanism for the Community shipbuilding industry in order to counter the Republic of Korea's unfair commercial practices on world shipbuilding markets; the Danish, Netherlands, Finnish, Swedish and United Kingdom delegations voted against the Regulation <sup>2</sup>.

Under the Regulation, direct national aids for contracts for the construction of container ships and product and chemical tankers may be authorised where the contract has prompted competition from a Korean shipyard offering a lower price. Direct aids for contracts for the construction of liquefied natural gas carriers, however, will be authorised only when the Commission has confirmed, on the basis of investigations covering all of 2002, that the Community industry has suffered serious material damage in this market segment because of unfair Korean practices.

Direct aids may be authorised up to a ceiling of 6% of the value of a contract. They will be subject to scrutiny by the Commission under Community rules on State aids in accordance with Article 88 of the Treaty.

The Regulation will apply as long as necessary, until the conclusion of dispute-settlement proceedings initiated against Korea at the World Trade Organisation, and will expire on 31 March 2004. Following the application of pressure on Korea on numerous occasions to improve the situation, in particular as regards price levels and production capacities, the proposal is restricted to market segments in which it has been shown that unfair commercial practices have caused direct damage to the Community shipbuilding industry.

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<sup>2</sup> A joint statement by those five delegations, for inclusion in the minutes, was submitted at the meeting.

**ZOONOSES**

The Council took note of the progress of the Zoonoses dossier and agreed to invite the Permanent Representatives Committee to continue the proceedings actively so that a common position at first reading could be adopted under Denmark's Presidency.

**THE HYGIENE OF FOODSTUFFS**

The Council reached political agreement on a proposal for a Regulation on the hygiene of foodstuffs on the basis of the Presidency compromise set out in 9240/2/02 REV 2 subject to an amendment made at the meeting <sup>3</sup>, which the Commission endorsed; the Italian delegation indicated its intention of abstaining. The Council will not, however, formally adopt a common position until discussions on other parts of the package of hygiene proposals have made sufficient progress to guarantee the consistency of the various components of the package and of their application dates.

The Council also took note of progress on the proposal for a Regulation laying down specific hygiene rules for food of animal origin, as set out in 8545/02. It agreed to invite the Permanent Representatives Committee to continue the proceedings on this dossier and on the other components of the hygiene package.

By way of reminder, this dossier forms part of a package of five food-hygiene proposals submitted by the Commission in July 2000. The purpose of the package is to consolidate, update and simplify Community legislation in this field.

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<sup>3</sup> Article 16(1) of the compromise text should be amended to read: "within no more than five years of this Regulation's entering into force".

## **VETERINARY FUND – Presidency conclusions**

The Presidency, supported by 14 delegations and the Commission, endorsed the revised conclusions in 10223/02 ADD 1, subject to an amendment agreed during the meeting<sup>4</sup>.

## **BSE – SITUATION REPORT**

The Council noted the information provided by the Commission representative on developments in the situation with regard to combating BSE, and the observations of the French delegation on the subject.

Commissioner BYRNE said *inter alia* that:

- the BSE situation in the Member States was stable, emphasising the efficacy of recent tests;
- the question of raising the age of animals – currently 12 months – for the elimination of certain specified risk materials from the food chain (spinal column of bovine animals) following the entry into force of the general ban in 2001 on meat and bone meal was discussed at the last meeting of the Scientific Steering Committee (SSC); this point had to be seen in relation to the efficiency of the ban *in situ*;
- enquiries into developments in the BSE situation in the candidate countries had been set in motion by the Food and Veterinary Office and cases of BSE had been found in some of these States;
- under Community regulations, the spinal cord of small ruminants had to be removed twelve months after birth;
- the question of the classification of intestines of small ruminants as specified risk material (SRM) was to be examined shortly, particularly in the light of the results of the studies carried out in the Netherlands.

He also asked for information on the question of France's continuation of the embargo on British beef.

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<sup>4</sup> The seventh indent of the conclusions is amended as follows: "guarantee the resources available to the Veterinary Fund within the limits of the proposed financial framework in order also to cover measures against animal diseases which more specifically affect human health;".



The French delegation wished to make the following statements:

- its decision to arrange for removal of the spinal cord for small ruminants at six months had been postponed until 1 January 2003 following technical adjustment difficulties;
- it wanted the Scientific Steering Committee (SSC) to look into the question of the possible classification of intestines of small ruminants as SRM;
- regarding the French Government's continued embargo on British beef and beef products, it pointed out that French legislation did not allow changes to health and food regulations without the scientific opinion of the French Agency for Food Safety (AFSSA); France would take a decision on the current embargo once the AFSSA had delivered its opinion – due in September 2002.

**ETHYL ALCOHOL OF AGRICULTURAL ORIGIN**

Noting the lack of agreement within the Council on Article 10 (national aid) of the proposal for a Regulation on the common organisation of the market in ethyl alcohol of agricultural origin, the Council instructed the Special Committee on Agriculture to expedite its work with a view to seeking, with the assistance of the Commission, a positive outcome to the problems still outstanding and to submit to it a report on the subject to enable it to decide on the matter at a forthcoming meeting.

As part of the compromise on agricultural prices for 2000/01 approved by the Council on 17 July 2000, the Commission had been asked to look into the advisability of introducing a regulatory framework for agricultural alcohol. The proposal was submitted to the Council on 23 February 2001.

**REPORT ON FRUIT AND VEGETABLES – Presidency conclusions**

The Presidency, supported by 14 delegations and the Commission, endorsed the conclusions contained in 10192/02 ADD 1, subject to the amendments agreed during the meeting.

**AGRICULTURAL INSURANCE – Presidency conclusions**

The Presidency, supported by 14 delegations and the Commission, endorsed the conclusions contained in 10198/02.

**"FETA"**

Delegations having confirmed the positions they adopted at the meeting of the Special Committee on Agriculture on 17 June 2002, the Council was unable to act on the proposal for a Council Regulation with regard to the name "Feta". In the absence of a qualified majority in favour of or against the text, it agreed not to return to the dossier until the end of the three-month period available to it.

The Commission asked the Regulatory Committee to deliver an opinion on a new proposal aimed at the inclusion of Feta in the PDO register, on the grounds that it could only be produced in certain regions of Greece and using specific methods of production. The proposal envisaged a transitional period of five years to enable other Member States to change the name or halt production. Since the proposal failed to obtain the qualified majority required for adoption, it was submitted to the Council for adoption within a period of three months in accordance with the Committee procedure.

## **PROSPECTS FOR AGRICULTURAL MARKETS**

The Council took note of the presentation by Commissioner FISCHLER of the Commission report on the prospects for agricultural markets in the European Union for the period from 2002 to 2009.

## **OTHER BUSINESS**

### **– *GMOs IN AGRICULTURE***

The German delegation, supported by the Austrian and Italian delegations, wished to draw the attention of the Council and the Commission to the results of a study on the impact of GMOs in agriculture <sup>5</sup>, which concluded that an increase in GMO crops would lead to a rising proportion of accidental traces of GMOs in conventional seeds.

The German delegation was concerned about methods of avoiding contamination of conventional seeds by genetically modified seeds and acceptable thresholds for the presence of GMOs in seeds. It was particularly anxious about the damage such contamination would do to organic and conventional farms and the exercise of consumer preference on the basis of proper information.

The Belgian delegation wanted research into GMOs to continue in the European Community, since such experiments would continue in third countries in any event, but with no possibility of control.

Commissioner Byrne emphasised the sectoral and exploratory nature of the study.

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<sup>5</sup> The German delegation circulated a note on this subject (10199/02) for discussion at the Environment Council meeting on 25 June 2002.

– *NITROFEN*

The German delegation wished to inform the Council and the Commission of its findings and of the measures taken following the discovery of traces of nitrofen.

The German delegation stated that a three-stage strategy had been followed in order to end the contamination of foodstuffs by nitrofen:

- ban on the placing on the market of products from fodder manufacturers and farms affected by the contamination;
- sampling of products from the firms concerned;
- decision on whether to lift the ban made on the basis of the results of the samples taken.

In response to a question from the Belgian delegation, the German delegation said that 500 firms had been affected by the ban, but that only four were still subject to it.

Nitrofen was a herbicide found in plant protection products no longer authorised for use and traces in excess of the permissible maximum level (0,01 mg/kg) were detected in a consignment of turkey meat.

At the end of May 2002 the relevant authorities were informed of problems with nitrofen residues in organic fodder and food products. Investigations revealed that the only possible source of contamination was a warehouse in Malchin, Mecklenburg-Western Pomerania, which served in the former GDR as a store for, among other things, plant protection products containing nitrofen. All firms and fodder manufacturers supplied by the warehouse in question, and in turn all farms supplied by those firms and fodder manufacturers, were banned from placing their produce on the market.

– ***MID-TERM REVIEW OF AGENDA 2000: FRENCH AND PORTUGUESE POSITIONS***

In view of the discussions that will be taking place this year on the mid-term review of Agenda 2000, the French and Portuguese delegations decided to set out their positions of principle – as had already been done by the Italian delegation at the Council meeting on 18 February 2002, by the German delegation at the Council meeting on 18 March 2002 and by the Greek delegation at the Council meeting on 27 May 2002 – on the common agricultural policy and the mid-term review of Agenda 2000<sup>6</sup>. These two delegations submitted documents on this question, which were circulated under reference 10051/02 (Portuguese position) and 10407/02 (French position).

Commissioner Fischler stressed the need to respect the financial framework adopted at the Berlin European Council in March 1999 while at the same time meeting the expectations of European citizens as regards agriculture.

It was noted that the Commission texts on the mid-term review were due to be presented to the Council at the July 2002 meeting.

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<sup>6</sup> The French contribution was entitled "Implementation of the Berlin agreements on the common agricultural policy".

– ***TOBACCO REPORT***

The Commission informed the Council that the report on the functioning of the common market organisation for tobacco would be submitted in September 2002.

Article 26 of Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco <sup>7</sup> provides for a report on the functioning of the CMO to be submitted to the Parliament and the Council before 1 April 2002. Before that date, it would have been possible to submit a report solely on the basis of data notified by the Member States relating to the 1999 harvest and part of the 2000 harvest.

In the meantime, in the framework of the systematic evaluation of the CAP, the Commission has launched an evaluation study of the CMO for raw tobacco to review the effects of Community legislation in this sector. The conclusions are expected by the end of 2002.

Mr Fischler said that the data on this sector had been supplied by Member States at the end of April 2002 and this had led to a delay in submission of the report.

– ***EVOLUTION OF THE CEREALS MARKET***

The Austrian delegation, supported by the French delegation, informed the Council of the fall in exports of Community cereals to third countries and the massive imports in this sector since the beginning of the 2001-2002 cereals year. It hoped that the Commission, in the relevant management committee, would submit a proposal for suspension of the reduction in duties on imported cereals, particularly from the Black Sea. This delegation also wanted the "double profit agreements" with the candidate countries to come into force later (1 January 2003) and to include measures to monitor the cereals market in particular. The French delegation was in favour of measures with an immediate effect on imported cereals rather than gradual changes to customs duties.

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<sup>7</sup> OJ L 215, 30.7.1992, p. 70.

Mr Fischler said the Commission would consider introducing a different system of external trade protection with regard to low-price imported cereals. He said that a special management procedure could be introduced for the double profit agreements, to ensure smooth management of the cereals market.



**ITEMS APPROVED WITHOUT DEBATE**

*The documents whose references are given 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 may be obtained by following the procedure indicated above or from the Press Office.*

**AGRICULTURE****Imports of high-quality beef**

(9687/02 – 9688/02)

The Council adopted by a qualified majority two Regulations opening quotas for imports of high-quality beef from Paraguay and Argentina.

These Regulations, which are intended to improve trade relations between the European Community and those two States, and their economic situations, provide for entry into the European Community of 1 000 tonnes of beef from Paraguay for a one-year renewable period from 1 July 2002 to 30 June 2003 and 10 000 tonnes of beef from Argentina for a single one-year period from 1 July 2002 to 30 June 2003.

**Non-commercial movement of pet animals**

(7839/02 + ADD 1)

The Council adopted a common position on the Regulation on the animal-health requirements applicable to the non-commercial movement of pet animals

This Regulation lays down common vaccination requirements, principally for dogs and cats.

Political agreement was reached on the Regulation at the Agriculture Council meeting on 22 April 2002.

**Teschen disease and African swine fever \***

(9464/02)

The Council adopted the Directive laying down Community provisions to combat and eradicate African swine fever.

This Directive lays down inter alia measures on compulsory notification to the competent authority where there is the presence or suspected presence of African Swine fever, slaughter of the animals concerned and disinfection of the farms concerned.

**EMPLOYMENT AND SOCIAL POLICY****Coordination of social security systems**

The Council confirmed the general approach on the text of Titles I and II of the proposal for a Regulation on the coordination of social security systems as it stands following the proceedings of the Council (Employment and Social Policy) on 3 June 2002 and Coreper on 19 June 2002. It should be noted that, since only a partial text was examined, the agreement reached is subject to overall agreement on the entire legislative act.

It should be noted that the proposal is intended to replace Council Regulation (EEC) No 1408/71 of 14 June 1971. The aim is to simplify Community legislation in order to remove obstacles to the free movement of persons created by the coexistence of different national social security systems within the internal market.

**Renewal of the Advisory Committee on Freedom of Movement for Workers**

*(9117/02)*

The Council appointed Ms G. WIDERA-STEVENSON and Mr P.A.M. VAN DUN as members and Ms C.C. VAN DER LOUW as an alternate member of the Advisory Committee on Freedom of Movement for Workers for the period from 24 June 2002 to 6 May 2004, as representatives of the Netherlands in the government representatives category.

**Replacement of two members of the Advisory Committee on Safety, Hygiene and Health Protection at Work**

*(8199/02)*

Mr Morten BERGULF and Mr Antti MÄHÖNEN were appointed members of the Advisory Committee on Safety, Hygiene and Health Protection at Work in place of Ms Hanne RATHSACH and Mr Jari FORSS respectively, for the remainder of the current term of office, which ends on 17 December 2003.

**TRANSPORT****Rail transport statistics \***  
(8652/02)

The Council adopted a Common Position on the draft Regulation on rail transport statistics.

The purpose of the draft Regulation is to draw up reliable, comprehensive and harmonised Community statistics on rail transport in order to monitor changes in rail transport, assist in the preparation of all action taken and improve rail transport safety.

The Council wholeheartedly supports the general aim and the content of the proposal. Article 7 of the Common Position, in particular, lays down stricter provisions on confidentiality in the use and distribution of statistical data by Eurostat. Taking account of the Opinion of the European Parliament delivered at first reading on 4 September 2001, the Council accepted three of the five amendments adopted by the European Parliament. It rejected those amendments which referred to the collecting of additional statistics on investments in rail network infrastructure and to a more detailed breakdown of the types of passenger trains included in statistics.

**RESEARCH****Cooperation agreement with Ukraine**

The Council adopted a Decision authorising the signing of an agreement on cooperation in science and technology, initialled on 13 November 2001, between the European Community and Ukraine.

The agreement was negotiated on the basis of negotiating directives adopted by the Council on 8 October 2001 and was concluded for an initial period lasting until 31 December 2002, renewable by mutual agreement between the parties for further five-year periods.

In particular, the agreement provides for

- the participation of Ukrainian researchers in Community projects in the fields of scientific and technological cooperation, and reciprocal participation by Community researchers in Ukrainian projects in those fields, as well as free access to and shared use of research facilities;
- visits and exchanges of scientists, engineers and other appropriate personnel and participation in seminars, symposia and workshops;
- the exchange of information on practice, legislation, regulations and programmes concerning scientific and technological cooperation;
- other activities to be decided on by mutual agreement in a joint Committee of the parties;
- approval of a management plan prior to launching any research project.

## **RELATIONS WITH THE CCEEs**

### **Romania/Slovakia – revised country reports on Justice and Home Affairs**

The Council took note of revised country reports on Romania and Slovakia in the field of Justice and Home Affairs for use in connection with the enlargement process.

It will be recalled that in the Joint Action of 29 June 1998 (OJ L 191, 7.7.1998, p. 8), the Council established a mechanism for collective evaluation of the enactment, application and effective implementation by the applicant countries of the *acquis* of the European Union in the field of Justice and Home Affairs. The Joint Action furthermore calls for evaluation reports to be drawn up on the progress and results of the alignment of those countries with the *acquis*. To date, the Council has taken note of a first series of reports on all the candidate countries, among which those concerning Romania and Slovakia are updated, revised versions.

### **Estonia – new tariff concessions on certain agricultural products (9336/02)**

The Council adopted, by a qualified majority, a Regulation establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia; Austria abstained.

The Europe Agreements with the 10 countries of Central and Eastern Europe (CCEEs) provide for the progressive liberalisation of trade in agricultural products with a view to these countries' future accession to the Community. An initial round of negotiations took place in 1999, the outcome of which was applied between July 2000 and 2001 as autonomous and transitional measures.

A second round of negotiations, with the aim of extending the scope of trade liberalisation still further by the simultaneous abolition of customs duties and export refunds, was begun in early 2002. The outcome of these negotiations with Estonia will need to be inserted as an Additional Protocol to the Europe Agreement. In view of the procedural timetable for the entry into force of such a Protocol, the Commission suggested that the Council should apply the concessions agreed on an autonomous and transitional basis by means of a Regulation. This Regulation, adopted today, will take effect on 1 July 2002. It will be replaced by the new Protocol when this comes into force.

**ECOFIN****Supplementary and amending budget No 3 to the 2002 budget**

The Council decided to establish draft supplementary and amending budget (PDSAB) No 3 for the financial year 2002 concerning the general statement of revenue, including the balance left over from the financial year 2001 along with some aspects of Section III – Commission, Section V – Court of Auditors, and Section VI – Economic and Social Committee.

The Council also instructed the Presidency to prepare the budget documents to be forwarded to the European Parliament.

**Excise duty on fuel containing biodiesel**

The Council adopted a Decision authorising the United Kingdom to apply a differentiated rate of excise duty to fuels containing biodiesel in accordance with Article 8(4) of Directive 92/81/EEC.

The reduction concerns biodiesel, a fuel made from biomass within the meaning of Article 2(b) of Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market<sup>8</sup>, or made from used fried oils, to be used as a road fuel. The differentiated rate applies to pure biodiesel at the point of production or import. The biodiesel can then be used either as pure fuel or be blended into diesel fuels.

**EDUCATION AND YOUTH****Lifelong learning**

(9596/02)

The Council adopted a Resolution on lifelong learning, the text of which was approved at the meeting of the Council (Education/Youth) on 30 May 2002.

**Third phase of the Trans-European cooperation scheme for higher education (Tempus III) (2000-2006)**

(9607/02)

The Council adopted a Decision adopting the third phase of the Trans-European cooperation scheme for higher education. The Decision, on which the Council reached political agreement at its Education/Youth meeting on 30 May 2002, is designed to foster regional cooperation in the wider Euro-Mediterranean region.

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<sup>8</sup> OJ L 283, 27.10.2001, p. 33.

**European cooperation in the Youth field**  
(9599/02)

The Council adopted a Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, regarding the framework of European cooperation in the Youth field. It should be noted that the text of this Resolution was approved at the meeting of the Education/Youth Council on 30 May 2002.

**INTERNAL MARKET****European Data Protection Supervisor**  
(9278/02)

The Council adopted a Decision on the regulations and general conditions governing the performance of the duties of the European Data Protection Supervisor, the independent supervisory authority entrusted with monitoring the processing of personal data within Community institutions and bodies.

On 20 July 2001, the Commission submitted to the Council a proposal for a Decision to implement Article 43(1) of Regulation (EC) No 45/2001. This Article calls on the European Parliament, the Council and the Commission to determine by mutual agreement the regulations and general conditions governing the performance of the European Data Protection Supervisor's duties.

**Agricultural machinery**

The Council gave its political agreement for the adoption of a Common Position on the proposal for a Directive on type-approval of agricultural and forestry tractors.

The agreement was adopted by Coreper (Part 1) on 19 June 2002.

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