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THE EUROPEAN UNION**



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2621st Council Meeting

General Affairs and External Relations

GENERAL AFFAIRS

Brussels, 22 November 2004

President **Mr Bernard BOT**
Minister for Foreign Affairs of the Netherlands

* The 2622nd meeting on External Relations is the subject of a separate press release (ST 14724/04 Presse 325).

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Main Results of the Council

The Council debated the financing of external relations policies under the EU's **financial framework** for the 2007-2013 period.

The Council also adopted an important series of decisions for EU actions in the fields of limiting the accumulation and spread of **small arms and light weapons** in Albania, South East Europe and Cambodia; support for the activities of the **Organisation for the Prohibition of Chemical Weapons**; and **Protection of nuclear material** in Russia.

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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 abovementioned 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 are represented as follows:

Belgium:

Mr Karel DE GUCHT
Mr Didier DONFUT

Minister for Foreign Affairs
State Secretary for the European Affairs

Czech Republic:

Mr Cyril SVOBODA

Deputy Prime Minister and Minister for Foreign Affairs

Denmark:

Mr Per Stig MØLLER

Minister for Foreign Affairs

Germany:

Mr Joschka FISCHER

Federal Minister for Foreign Affairs, Deputy Chancellor

Estonia:

Ms Kristiina OJULAND

Minister for Foreign Affairs

Greece:

Mr Petros MOLYVIATIS

Minister for Foreign Affairs

Spain:

Mr Alberto NAVARRO

State Secretary for the European Affairs

France:

Mr Michel BARNIER
Ms Claudie HAIGNERÉ

Minister for Foreign Affairs
Minister with responsibilities for European Affairs,
attached to the Minister for Foreign Affairs

Ireland:

Mr Dermot AHERN T.D.

Minister for Foreign Affairs

Italy:

Mr Gianfranco FINI
Mr Roberto ANTONIONE

Minister for Foreign Affairs
State Secretary for Foreign Affairs

Cyprus:

Mr George IACOVOU

Minister for Foreign Affairs

Latvia:

Mr Māris RIEKSTIŅŠ

State Secretary, Ministry of Foreign Affairs

Lithuania:

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Luxembourg:

Mr Jean ASSELBORN

Deputy Prime Minister, Minister with responsibility for
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Hungary:

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Minister for Foreign Affairs

Malta:

Mr Michael FRENDU

Minister for Foreign Affairs

Netherlands:

Mr Bernard BOT
Mr Atzo NICOLAÏ
Ms Anna Maria Agnes van ARDENNE-van der HOEVEN

Minister for Foreign Affairs
Minister for European Affairs
Minister for Development Cooperation

Austria:

Ms Ursula PLASSNIK

Federal Minister for Foreign Affairs

Poland:

Mr Włodzimierz CIMOSZEWICZ

Minister for Foreign Affairs

Portugal:

Mr António MONTEIRO

Minister for Foreign Affairs and Portuguese Communities
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Mr Mário DAVID

State Secretary for European Affairs

Slovenia:

Mr Ivo VAJGL

Minister for Foreign Affairs

Slovakia:

Mr Eduard KUKAN

Minister for Foreign Affairs

Finland:

Mr Erkki TUOMIOJA

Minister for Foreign Affairs

Sweden:

Ms Laila FREIVALDS

Minister for Foreign Affairs

United Kingdom:

Mr Jack STRAW

Secretary of State for Foreign and Commonwealth Affairs

Mr Denis MacSHANE

Minister of State for Europe

.....
Commission:

Ms Margot WALLSTRÖM

Vice President

Ms Dalia GRYBAUSKAITĖ

Member

Ms Benita FERRERO-WALDNER

Member

Mr Louis MICHEL

Member

.....
General Secretariat of the Council:

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

ITEMS DEBATED

PREPARATION OF THE DECEMBER EUROPEAN COUNCIL

The Council examined an annotated draft agenda prepared by the Presidency for the European Council meeting to be held in Brussels on 16 and 17 December. It will prepare the meeting in greater detail at its session on 13 and 14 December.

The document sets out the main items to be addressed, namely:

- EU enlargement. The European Council is due to decide on the conclusion of membership negotiations with Bulgaria and Romania and on the opening of negotiations with Turkey and Croatia;
- Terrorism. Review of progress in combating terrorism;
- EU financial framework for 2007-2013. The European Council is due to decide on principles and guidelines with a view to enabling agreement on the new financial framework and related issues, including on the system of own resources for the financing of the EU budget;
- EU area of freedom, security and justice: EU Drugs Strategy 2005-2012;
- External affairs. The European Council is expected to discuss the Middle East Peace Process, Iran, Iraq, Sudan, Afghanistan and the EU Strategic Partnership with the Mediterranean and the Middle East.

Work is due to be carried out on most of these items in the Council configurations concerned and the Presidency will draw on this when preparing draft European Council conclusions.

EU FINANCIAL FRAMEWORK FOR 2007-13

The Council took note of a progress report on preparation of the EU's financial framework for the 2007-13 period and held a policy debate on the Commission's proposals as regards financing of the EU's external relations policies.

Concluding the debate, the President noted that:

- Most delegations agreed with the proposal to simplify the structure given to Heading 4 ("the EU as a global partner") of the EU budget, which provides for six financial instruments for external relations;
- Delegations in general agreed with the proposed scope of the three geographic financing instruments for external relations, although many did not agree with the proposed inclusion of the European Development Fund in the EU budget;
- Many delegations considered that the proposed new financing instruments for external relations would allow the Council adequate political control, although a number highlighted conditions to be respected and emphasised the role to be played by the Member States;
- Many delegations were favourable to the proposed scope of the "instrument for stability", whilst emphasising the need to clarify the delimitation of competences of the Commission and the Council.

Preparation of the overall financial framework has focused on the content of individual policies and the spending amounts they entail with a view to identifying a range of policy choices together with their financial implications.

The Presidency's aim is for the European Council to define, at its meeting on 16 and 17 December, principles and guidelines for further work on the new financial framework with the aim of achieving political agreement next year. A report will be drawn up by the Presidency for the European Council, covering work on the different spending categories as well as on a new agreement between the EU's institutions on budgetary flexibility and on the system of own resources for the financing of the EU budget.

OTHER BUSINESS

– *Storm damage in Central Europe*

The Council was briefed by the Slovakian delegation on the damage and losses caused by a major storm that hit Slovakia and other parts of Central Europe on 19 November. It took note of its call to provide assistance, in particular for reforestation.

The Commission recalled the possibilities offered for assistance in these circumstances by its civil protection unit and by the solidarity fund for natural disasters.

OTHER ITEMS APPROVED

EUROPEAN SECURITY AND DEFENCE POLICY

Civilian crisis management

The Council approved a declaration on the Member States' voluntary commitments for civilian crisis management.

The declaration acknowledges progress made, both in quantity and in quality, in the field of civilian capabilities for EU crisis management.

Western Balkans - EU Monitoring Mission

The Council adopted a Joint Action extending the mandate of the European Union Monitoring Mission (EUMM) in the Western Balkans until 31 December 2005 (*14053/04*), as well as a Decision prolonging for 2005 the mandate of Ms Maryse Daviet as EUMM Head of Mission (*14059/04*).

The financial reference amount for implementation of the Joint Action is 4.2 million euros.

The primary objective of the EUMM is to contribute to the formulation of the EU's policy towards the Western Balkans through information-gathering and analysis in line with directions from the Secretary-General/High Representative and the Council.

EU space policy and defence

The Council approved a document entitled "European Security Defence Policy (ESDP) and Space", defining contributions that can be made to ESDP by space applications (*11616/3/04*).

The document is intended to serve as a reference for future proceedings with regard to military capabilities.

Combating terrorism

The Council approved a document entitled “Conceptual Framework on the European Security Defence Policy (ESDP) – Dimension of the fight against terrorism” and agreed to forward it to the European Council for its meeting on 16 and 17 December (14797/04).

The text identifies four main areas of action: prevention, protection, response/consequence management and support to third countries in combating terrorism.

EU/Georgia - Rule of Law Mission status and activities

The Council adopted a Decision approving an Agreement with Georgia on the status and activities of the EU Rule of Law Mission in Georgia (EUJUST THEMIS) (13972/04).

The mission EUJUST THEMIS is aimed at assisting Georgia in the development of a government strategy to guide the reform of the country's criminal justice system.

European Defence Agency work programme for 2005

The Council adopted guidelines on the European Defence Agency's work programme for 2005 (14856/04).

The Agency, established in July 2004, will concentrate on initiatives and projects within its four main areas of activity, namely defence capabilities development, armaments cooperation, the European defence technological and industrial base and defence equipment market, and research and technology.

The Second meeting of the Agency's Steering Board was held on 22 November in the margins of the Council.

EU military operations - Review of the mechanism to administer finances *

The Council reached a political agreement on a draft Council Decision amending Decision 2004/197/CFSP establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications (ATHENA) (14956/04).

The Council agreed that contributions already called for operation ALTHEA in Bosnia and Herzegovina for the financial year 2005 will become payable by end January 2005 and that financial rules for the implementation of expenditure related to common costs in EU military operations will be adopted by the ATHENA Special Committee at the end of 2005.

The Political and Security Committee will be consulted every time a financial decision on a particular operation has a political or strategic impact.

Police Mission in the Former Yugoslav Republic of Macedonia

The Council adopted a Joint Action extending the EU Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL PROXIMA) until 14 December 2005 (14440/04).

The mission of EUPOL PROXIMA, established by Council Joint Action 2003/681/CFSP, provides support in FYROM regarding:

- consolidation of law and order, including the fight against organised crime;
- implementation of the reform of the Ministry of Interior, including the police;
- transition towards and the creation of a border police;
- local policing and confidence building within the population;
- cooperation with neighbouring States in the field of policing.

Africa - Peace and security action plan - *Council conclusions*

The Council approved an action plan aimed at supporting peace and security in Africa, and took note of a report on implementation of support measures to capacity building in Africa under European Security and Defence Policy (ESDP).

The action plan focuses on capacity building; planning support; disarmament, demobilisation and reintegration of combatants; security sector reform and EU internal and external co-ordination.

ESPD support to peace and security in Africa was developed after the Council's Political and Security Committee undertook to explore practical ways of implementing support to African organisations in building autonomous conflict prevention and management capacities, following the adoption of EU Common Position 2004/85/CFSP on the prevention, management and resolution of violent conflicts in Africa.

The Council also adopted the following conclusions:

"The Council recognises the primary responsibility of the UN Security Council and the role of international law as the framework for maintaining international peace and security. The EU and its Member states will continue to support UN actions in Africa, as already demonstrated in several crises in Africa, in particular in DRC.

The Council welcomes the will of African states to assume their responsibilities on their own continent and reaffirms its commitment to the principle of African ownership. In this context, the Council reconfirms its appreciation and strong support for the objective of the African Union (AU) and African subregional organisations to promote peace and security on the African continent. Peace and security is a pre-condition for achieving sustainable development. The Council underlines the need for an intensified political dialogue and an enhanced partnership between the EU, the AU and the UN.

The European Security and Defence Policy can support the AU, African subregional organisations and African States in their efforts to ensure a stable and secure Africa. In this context, the Council agreed on the Action Plan for ESDP-support to Peace and Security in Africa. This Action Plan identifies practical ways for implementing the support to African organisations in building autonomous conflict prevention and management capacities, with special attention to the AU. It primarily addresses issues of capacity building, and planning support and foresees support for actions in the field of Disarmament, Demobilisation and Reintegration and Security Sector Reform. The Council invites the AU and African Sub-regional organisations to take advantage of the support offered by the EU and to come forward with proposals for long-term capacity building. As internal co-ordination of EU efforts is crucial, the Council tasked the relevant Council bodies to urgently finalise the work on the institutional, legal, budgetary and procurement/storage aspects, and to inform the Council of the results at its next meeting.

The Council underlines that EU support for peace and security in Africa is part of a coherent EU policy towards Africa in which ESDP activities and the Peace Facility are combined with other instruments of the Common Foreign and Security Policy and the Cotonou Agreement and with bilateral actions by Member States. This integrated, long term approach will include continuous attention for the vulnerable position of women and children and the increased risks of HIV/AIDS in armed conflict. The EU work will be based on the principle of full coordination with other actors in this field, i.e. the UN, the AU, subregional organisations, in order to ensure coherence and complementarity with bilateral initiatives and initiatives by, for example, the G8.

The Council notes with satisfaction that under the Peace Facility several requests of the AU have already been honoured. These include support for the mission of the AU AMIS in Sudan and the capacity building initiatives of the AU."

EXTERNAL RELATIONS

Western Balkans - Participation in Community programmes

The Council adopted five Decisions approving the signing of Framework Agreements with Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia on the general principles for their participation in Community programmes (14297/1/04). The Agreements were signed on 22 November in the margins of the Council.

The list of programmes open to participation, once the Agreements enter into force, of the five mentioned countries is as follows:

- Combating discrimination (2001-2006)
- Combating social exclusion (2002-2006)
- Community actions in support of consumer policy (2004-2007)
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004-2006)
- Community action programme to promote active European citizenship (2004-2006)
- Community action in the field of public health (2003-2008)

- Culture 2000 (2000-2006)
- Customs (2003-2007)
- Daphne II (2004-2008)
- eContent Plus (2004-2008)
- eLearning (2004-2006)
- Erasmus Mundus (2004-2008)
- Fiscalis (2003-2007)
- Gender equality (2001-2006)
- Hercule (2004-2006)
- Intelligent Energy Europe (2003-2006)
- Life (2000-2006)
- Leonardo da Vinci II (2000-2006)
- Marco Polo (2003-2010)
- Media Plus/Media Training (2001-2006)
- Safer Internet plus (2005-2008)
- Sixth RTD Framework Programme (2002-2006)
- Socrates II (2000-2006)
- Youth (2000-2006).

Arms exports - Report on application of the EU code of conduct

The Council took note of the sixth annual report on application of the EU code of conduct on arms exports (13816/04).

The code of conduct, introduced in 1998, sets criteria for the export of conventional arms with a view to harmonising national arms export control policies. The code is being reviewed in 2004 for the first time since it became operative.

Africa - Democracy and human rights

The Council adopted a Common Position on human rights, democratic principles, the rule of law and good governance in Africa.

Light weapons - Control of small arms in Albania, South East Europe and Cambodia

The Council adopted three Decisions setting out EU financial contributions for 2005 to efforts aimed at limiting the accumulation and spread of small arms and light weapons in Albania, South East Europe and Cambodia (14522/04, 14528/04 and 14529/04).

The financial allocation for assistance in the destruction of ammunition in Albania amounts to 1.3 million euros, whereas 330 000 euros and 1.4 million euros will be used for combating the accumulation and spread of light weapons in South East Europe and Cambodia respectively.

The three Decisions are aimed at implementing Council Joint Action 2002/589/CSFP, adopted in July 2002.

Chemical weapons

The Council adopted a Joint Action on support for activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (14519/04).

The Joint Action identifies OPCW projects that correspond to measures provided for by the EU Strategy, aimed at strengthening:

- the promotion of the Chemical Weapons Convention (CWC) by carrying out activities aimed at increasing the membership of the OPCW;

- the provision of sustained technical support to Parties that request it for the establishment and effective functioning of national authorities and the enactment of national implementation measures as foreseen by the CWC;
- international cooperation relating to chemical activities through the exchange of scientific and technical information, chemicals and equipment for purposes not prohibited under the CWC, in order to contribute to the development of the Parties' capacities to implement the CWC.

The financial allocation for the three projects amounts to 1.8 million euros for a 12-month period.

Russia - Protection of nuclear material

The Council adopted a Joint Action aimed at reinforcing protection measures for fissile materials at the Bochvar Institute in Moscow, so as to reduce the risk of theft of nuclear material and of sabotage (14518/2/04).

The total allocation provided for the action amounts to 7.9 million euros for three years.

Former Yugoslav Republic of Macedonia - Stabilisation and Association Agreement

The Council adopted a Decision approving the signing and provisional application of a Protocol to the Stabilisation and Association Agreement with the former Yugoslav Republic of Macedonia in order to take into account the accession to the EU of the 10 new Member States (9856/04).

Chile - Association Agreement - EU enlargement

The Council adopted a Decision approving the signing and provisional application of an Additional Protocol to the EU's Association Agreement with Chile in order to take into account the accession of the 10 new Member States to the EU (13285/04).

Moldova - Agreement on science and technology centre in Ukraine

The Council adopted a Decision approving the accession of Moldova to the Agreement to establish a science and technology centre in Ukraine between Canada, Sweden, Ukraine and the United States of America and authorising the Presidency of the Council to express the approval within the Governing Board of the Centre (14204/04).

GENERAL AFFAIRS

Council activities

The Council took note of a report on proceedings in the Council's other configurations (14711/04).

DEVELOPMENT

Public-Private Partnerships in Developing and Transition Countries - *Council conclusions*

The Council adopted the following conclusions:

"Public-Private Partnerships in Developing and Transition Countries – A Critical Review of Existing Experiences and Analysis of Possibilities of Donor Intervention

UNDERLINING the need to fully implement the commitments deriving from major UN and EU conferences, in particular the 2002 International Conference on Financing for Development (ICFD) held in Monterrey, the Barcelona European Summit and the World Summit on Sustainable Development (WSSD) held in Johannesburg;

REAFFIRMING that this is part of a wider process aiming at timely achieving the Millennium Development Goals (MDGs);

RECALLING the Commission communication on European Community Co-operation with Third Countries: the Commission's approach to future support for the development of the business sector¹, which mentioned the need to develop innovative and more effective financing instruments to enhance the role of the private sector in developing countries that include, *inter alia*, public-private partnerships (PPPs);

¹ Doc. 9649/03 DEVGEN 80 RELEX 194

RECALLING the Commission communication on the Reform of State-owned Enterprises in Developing Countries with a focus on public utilities: the need to assess all options², which argued for an objective assessment of all the options and their sequencing, and selecting the one that best meets the needs of the particular country and field; this refers in particular to the messages of that communication regarding issues like access, affordability, quality of services, regulatory framework, competition and enforcement mechanisms;

REAFFIRMING the Council conclusions of 17 November 2003 on the above communications³, which state the possible increase in revenue, trade and employment that PPPs could bring about in developing countries and which define PPPs as a possibility for reform of state-owned enterprises;

UNDERLINING the important role of the private sector in achieving economic growth and thereby development objectives;

THE COUNCIL:

1. WELCOMES the Commission staff working paper on PPPs in Developing and Transition Countries – A Critical Review of Existing Experiences and Analysis of Possibilities of Donor Intervention –⁴, its analysis and in particular its recommendations;
2. UNDERLINES the potential that PPPs hold in terms of improved public service provision, economic development and poverty reduction in developing and transition countries;
3. CONFIRMS that private participation in service provision is not considered a goal in itself. The benefits, costs and the risks of private participation must be carefully assessed in order to ensure its positive impact on poverty eradication, also at the level of the individual.
4. AGREES that private participation in the form of investment is unlikely to sufficiently increase in many developing countries, in particular least developed countries (LDCs), in the short to medium term. Therefore, funding from national governments as well as donors and international financial institutions is likely to remain critical if the MDGs are to be achieved in many sectors offering services of general interest;

² Doc. 10469/03 DEVGEN 89 RELEX 239

³ Doc. 14535/03 DEVGEN 140 RELEX 414

⁴ Doc. 11856/04 DEVGEN 161 RELEX 367

5. UNDERLINES that donors, complementary to development banks and in collaboration with NGOs, have an important role to play, especially in low-income countries and LDCs. In this respect, better availability of catalytic funding needs to go hand in hand with adequate national capacity building to transact and implement PPPs. In order to ensure the necessary alignment with national circumstances, a maximum of flexibility is required both in terms of service provision and finance modalities;
6. CONFIRMS that, in support of existing activities, the Commission and the EIB are well positioned to play a role in facilitating PPPs. It welcomes the concept of output-based aid as well as the Commission's commitment to join the Public Private Infrastructure Advisory Facility (PPIAF). At the same time the Council encourages the Commission, as it continues to shape its programme on PPPs, to also identify and learn about other existing initiatives and experiences;
7. ACKNOWLEDGES the first hand expertise and experience in privatisation reforms and building PPPs, gained during the transition and accession process, that the new EU members could bring to this;
8. INVITES both the Commission and the Member States to feed the conclusions of the staff working paper⁵ as well as the present Council Conclusions into the formulation of their general development cooperation strategies. In this context, special reference is made to the MDGs+5 stocktaking exercise and to the possible review of the Joint Council/Commission Declaration on the EC Development Policy of November 2000⁶, both to be carried out in 2005."

Climate change - Council conclusions

The Council adopted the following conclusions:

"The Council of the European Union

1. *Recalling* its conclusions of 5 December 2003 on the Commission proposal for an EU Strategy and Action Plan on Climate Change in the context of Development Cooperation.

⁵ Doc. 11856/04, page 4

⁶ Doc. 13458/00 DEVGEN 140

2. *Reiterates* its endorsement of the proposed Strategy and recalls its decision to further develop the Action Plan in the relevant Council Expert Group with a view to its prompt adoption by the Council and its subsequent implementation, in a coordinated and complementary manner, by the Commission and the Member States.
3. *Welcomes* the timely finalisation of the work by the Expert Group, which has also included a consultation of Partner Countries and civil society, and notes that the Action Plan is complementary to other EU initiatives such as the initiatives on Water, Energy and Illegal Logging.
4. *Further* welcomes that the Action Plan has been completed in time for the 10th Anniversary of the United Nations Framework Convention on Climate Change (UNFCCC), the International Meeting to Review the Implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States and the World Conference on Disaster Reduction.
5. *Notes* that *the* Action Plan provides a tool for the EU Member States and the Commission to actively assist partner countries in their efforts to address Climate Change and implement the UNFCCC and the Kyoto Protocol.
6. *Reiterates* that mainstreaming of responses to climate change into poverty reduction strategies and/or national strategies for sustainable development is the main avenue to address both adaptation to the adverse effects and mitigation of the causes of climate change. Climate change is a risk to development. Adaptation strategies should seek to manage the risk, thereby supporting developing countries in building their resilience to climate change impacts, and protecting national and EU efforts to eradicate poverty.
7. *Recalling* the commitment in the “Bonn Political Declaration” on climate change funding for developing countries; reaffirms its determination to deliver USD 369 million annually by 2005 [and reiterates that the relevant Member States will report on their respective contributions in their national communications as of 2006.
8. Agrees
 - to adopt the Action Plan annexed to these conclusions;
 - that the EU Member States and the Commission shall collectively implement the Action Plan in a coordinated and complementary manner and in line with their respective development cooperation programmes and priorities;
 - that the Council shall review the implementation of the Action Plan in 2007, following the first bi-annual report, and consider further action beyond 2008, which currently marks the end of implementation of the Action Plan."

The Action Plan is to be found in document 13876/04.

TRADE POLICY

Anti-dumping - Sri Lanka - Tube and pipe fittings

The Council adopted a Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China to imports of tube or pipe fittings, of iron or steel, consigned from Sri Lanka, whether declared as originating in Sri Lanka or not (13593/04).

Anti-dumping - Indonesia - Tube and pipe fittings

The Council adopted a Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China to imports of tube or pipe fittings, of steel or iron, consigned from Indonesia, whether declared as originating in Indonesia or not (13579/04).
