



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 March 2005 (11.03)  
(OR. fr)**

**6504/05  
ADD 1**

**PV/CONS 6  
ECOFIN 47**

**ADDENDUM TO DRAFT MINUTES <sup>1</sup>**

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Subject : **2638rd** meeting of the Council of the European Union (**ECONOMIC AND FINANCIAL AFFAIRS**), held in Brussels on 17 February 2005

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<sup>1</sup> The information from the Council minutes which is set out in this addendum is not confidential and may therefore be released to the public.

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

### **"A" items (list: 6281/05 PTS A 4)**

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

**Item 1. Council Directive amending Directive 90/434/EEC on the common system of taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States**  
16276/7/04 FISC 261 REV 7

The Council adopted the above Directive (Legal basis: Article 94 of the Treaty establishing the European Community).

#### **Statements**

1. "The Council and the Commission agree that Article 8 of Directive 90/434/EEC does not deprive shareholders resident in Member States of the benefits of the Directive in a case where the majority holding is acquired from Community residents and from residents of third countries."
2. "Italy reserves the right to apply the Directive amending Council Directive of 23 July 1990, No 90/434/EEC on the common system of taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States, to exchange of shares as defined by Article 1, paragraph 3, letter (b), as from the date of its transposition into national legislation."

**Item 2. Council Decision authorising the United Kingdom to apply an exemption from climate change levy for low value solid fuel in accordance with Article 19 of Directive 2003/96/EC**  
5663/05 FISC 10  
+ REV 1 (lt)

The Council adopted the above Decision (Legal basis: Article 19(1) of Directive 2003/96/EC).

**Item 11. Council Regulation amending Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol No 10 to the Act of Accession as regards agriculture and facilities for persons crossing the line**  
6236/05 ESE 1

The Council adopted the above Regulation (Legal basis: Article 2 of Protocol No 10 to the Act of Accession of 2003 and Article 6 of Protocol No 3 to the same Act of Accession).

**3. Statement by the Government of the Republic of Cyprus**

"In agreeing to the amendment of Article 4(2) of Council Regulation (EC) No 866/2004, the Government of the Republic of Cyprus reiterates its position that, as sovereign authority, entitled to exercise lawful jurisdiction over the entire territory of the Republic of Cyprus, it is the sole competent authority to designate the points of entry to and exit from the territory of the Republic. The Government of the Republic of Cyprus recalls that all ports, harbours and airports situated in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control have been declared closed in accordance with the rules of international law confirmed by the International Court of Justice. Thus, ports, harbours and airports that have not been expressly declared open and duly authorised by the Government of the Republic of Cyprus as points of entry and exit for passengers and goods may not be lawfully used for inward or outward movement of goods."

**Item 18. Council Regulation amending Regulation (EC) No 88/98 as regards the extension of the trawling ban to Polish waters**  
5602/05 PECHE 16

The Council adopted the above Regulation (Legal basis: Article 57(2) of the Act of Accession of 2003).

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