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THE EUROPEAN UNION**



10590/08 (Presse 169)

**PROVISIONAL VERSION**

## **PRESS RELEASE**

2881st Council meeting

### **Agriculture and Fisheries**

Luxembourg, 23 and 24 June 2008

President

**Iztok JARC**

Minister for Agriculture, Forestry and Food

# **P R E S S**

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10590/08 (Presse 169)

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**EN**

## **Main results of the Council**

*The Council reached unanimous political agreements on **illegal, unreported and unregulated fishing**, on **authorisations** for fishing activities outside Community waters and access of third country vessels, and on the **protection of vulnerable marine ecosystems** in the high seas.*

*The Council reached political agreement on a common position on the placing of plant protection products on the market ("**pesticides**").*

*The Council held a policy debate on the "**health check**" of the common agriculture policy reforms.*

*Without discussion, the Council adopted a regulation establishing certain support schemes for **cotton**, a regulation laying down specific measures for agriculture in favour of the smaller **Aegean Islands**, and reached a political agreement on a Directive simplifying procedures of **listing** and publishing information in the veterinary and zootechnical fields.*

*In addition, the Council adopted a decision establishing a common framework for the selection and authorisation of systems providing **mobile satellite services**.*

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• Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).

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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 SMEs, the Self-Employed, Agriculture and Science Policy

Mr Benoît LUTGEN

Minister for Agriculture, Rural Affairs, the Environment and Tourism (Walloon Region)

Mr Kris PEETERS

Minister-President of the Flemish Government and Flemish Minister for Institutional Reform, Ports, Agriculture, Sea Fisheries and Rural Policy

### **Bulgaria:**

Mr Valeri TSVETANOV

Minister for Agriculture and Food Supply

### **Czech Republic:**

Mr Petr GANDALOVIČ

Minister for Agriculture

### **Denmark:**

Ms Kjer Eva HANSEN

Minister for Food

### **Germany:**

Mr Gert LINDEMANN

State Secretary, Federal Ministry of Food, Agriculture and Consumer Protection

### **Estonia:**

Mr Tiit NABER

Deputy Permanent Representative

### **Ireland:**

Mr Brendan SMITH

Minister of State at the Department of Health and Children (with special responsibility for Children)

Mr Tony KILLEEN

Minister of State at the Department of the Environment, Heritage and Local Government and at the Department of Communications, Energy and Natural Resources (with special responsibility for Environment and Energy)

### **Greece:**

Mr Alexandros CONTOS

Minister for Rural Development and Food

### **Spain:**

Ms Elena ESPINOSA MANGANA

Minister for Agriculture, Fisheries and Food

Ms Pilar MERINO TRONCOSO

Minister for Agriculture, Livestock, Fisheries and Agriculture of the Autonomous Community of Canary Islands

### **France:**

Mr Michel BARNIER

Minister for Agriculture and Fisheries

### **Italy:**

Mr Luca ZAIA

Minister for Agricultural and Forestry Policy

### **Cyprus:**

Mr Michalis POLINIKI CHARALAMBIDES

Minister for Agricultural, Natural Resources and Environment

### **Latvia:**

Mr Mārtiņš ROZE

Minister for Agriculture

### **Lithuania:**

Ms Kazimira Danutė PRUNSKIENĖ

Minister for Agriculture

### **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

Ms Octavie MODERT

State Secretary for Relations with Parliament, State Secretary for Agriculture, Viticulture and Rural Development, State Secretary for Culture, Higher Education and Research

**Hungary:**

Mr József GRÁF

Minister for Agriculture and Rural Development

**Malta:**

Mr George PULLICINO

Minister for Resources and Rural Affairs

**Netherlands:**

Ms Gerda VERBURG

Minister for Agriculture, Nature and Food Quality

**Austria:**

Mr Josef PRÖLL

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

**Pologne:**

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

**Portugal:**

Mr Jaime SILVA

Minister for Agriculture, Rural Development and Fisheries

**Romania:**

Mr Dacian CIOLOȘ

Minister for Agriculture and Rural Development

**Slovenia:**

Mr Iztok JARC

Ms Branka TOME

Minister for Agriculture, Forestry and Food  
State Secretary, Ministry of Agriculture, Forestry and Food

**Slovakia:**

Ms Zdenka KRAMPLOVÁ

Minister for Agriculture

**Finland:**

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

**Sweden:**

Mr Eskil ERLANDSSON

Minister for Agriculture

**United Kingdom:**

Mr Hilary BENN

Mr Jonathan SHAW

Mr Richard LOCHHEAD

Ms Elin JONES

Ms Michelle GILDERNEW

Secretary of State for Environment, Food and Rural Affairs  
Parliamentary Under Secretary of State and Minister for the South East  
Cabinet Secretary for Rural Affairs and the Environment, Scottish Government  
Minister for Rural Affairs, Welsh Assembly  
Minister for Agriculture and Rural Development, Northern Ireland

**Commission:**

Mr Joe BORG

Ms Mariann FISCHER BOEL

Ms Androulla VASSILIOU

Member

Member

Member

ITEMS DEBATED

HEALTH CHECK

The Council held a *policy debate* on the proposed legislative package for the "**Health check**"<sup>1</sup> of the CAP since the 2003 reform ([9656/08](#)).

The debate focussed on two questions drawn up by the Presidency ([10816/08](#)), one on the proposal for further decoupling, and the other on the proposal for specific support measures under a revised version of Article 69 of Regulation 1782/2003.

Most delegations welcomed the proposal for **further decoupling**, which is in the spirit of the 2003 reform. In their opinion, decoupling provides the necessary impetus to allow farmers to respond to market signals. However, several delegations considered that for certain vulnerable sectors coupled or **partial coupled payments** may still be necessary at least over a transitional period. In this context they highlighted the risks of land abandonment, loss of biodiversity and/or serious irreversible social impacts. With regard to the specific support foreseen under a "**revised Article 69**" (new article 68 in the proposal), several delegations reiterated their request for this to be simpler and more **flexible** so that each member state can choose how to target the support appropriately. Other delegations underlined the importance of ensuring that the measures would not distort trade or competition nor reintroduce coupled payments and that to this end the measures foreseen should be transitional only.

Delegations also had concerns about the proposed restrictions on the financing of this measure. Some delegations considered that there were other possible financing solutions such as using unused funds earmarked for direct payments, reclassifying some of the measures under rural development, and increasing the ceilings foreseen). Some delegations also criticised the proposal on mutual funds to provide financial compensation to farmers as a result of animal or plant disease crises and considered that the current text set out in Article 44 of the Single CMO regulation (Regulation 1234/2007) was more satisfactory tool.

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<sup>1</sup> See press release [7508/08](#) and Council conclusions of 17 March 2008 in document [7150/08](#).



Further to the Council conclusions (doc 7150/08 Annex) adopted on 17 March 2008 on the Commission Communication "Preparing the Health Check of the CAP reform", the Commission presented its legislative package on 27 May during the informal meeting of the Ministers for Agriculture which took place in Brdo.

The objective of the legislative package is to make the necessary adjustments to the reform in order to simplify and increase the effectiveness of the single payment scheme, to better orientate agricultural production in a globalised market and to face new challenges such as climate change, water management and bio-energy.

The future French Presidency indicated its intention to take forward its preparatory work, with the aim of reaching a political agreement in November. To that end, it will table policy debates at the level of Council on this item, in July and September respectively.

*For further details see: [http://ec.europa.eu/agriculture/healthcheck/index\\_en.htm](http://ec.europa.eu/agriculture/healthcheck/index_en.htm).*

The proposal is based on Article 37 of the Treaty (qualified majority after consultation of the European Parliament ).

The European Parliament's opinion is expected for 18 November 2008.

## FISHERIES

### **Illegal Unreported and Unregulated Fishing (IUUF)**

The Council reached an unanimous *political agreement* on a regulation establishing a Community system to prevent, deter and eliminate **illegal, unreported and unregulated fishing (IUUF)** ([14236/07](#)), presented by the Commission at the Fisheries Council meeting last November<sup>1</sup>.

In adopting this regulation, the European Union would not only contribute to ensuring the sustainability of fish stocks and improve the situation of Community fishermen exposed to unfair competition by illegal products, but also meet consumers' demand for sustainable and fair fishery products.

The proposal aims at halting importation of IUUF products into the Community by measures covering the **whole supply chain** (harvesting, transshipment, processing, landing, trade), "from the net to the plate". Its main points are:

- introduction of an **EU "blacklist"** of non-complying vessels, with detailed rules on the drawing up of such a list, the consequences of being included thereon and, in certain cases, the consequences for third countries harbouring such vessels;
- establishment of a **certification scheme** designed to cover all imports of fishery products with the exception of products derived from inland fisheries and aquaculture;
- approximation within the Community of the levels of **sanctions for serious infringements**: a maximum fine of at least five times<sup>2</sup> the value of the fishery products obtained by committing the serious infringement;
- Once formally adopted following , the regulation will enter into application as from **1st January 2010**.

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<sup>1</sup> See press release 15333/07.

<sup>2</sup> Eight times in case of a repeated serious infringement within a 5 year period.

The regulation will be adopted at a forthcoming Council meeting after finalisation by the Council's legal-linguistic experts. Several statements will be entered in the Council's minutes at the time of adoption.

The European Parliament gave its opinion on 5 June 2008 and the Economic and Social Committee on 2 April 2008.

### **Authorisations for fishing activities**

The Council has reached an unanimous *political agreement* on a draft regulation concerning authorisations for fishing activities ([11182/07](#)).

After review by the legal / linguistic experts, the regulation will be formally adopted as an "A" item at one of the forthcoming meetings of the Council.

This Proposal aligns procedures and international obligations for authorising fishing activities of all Community vessels outside Community waters, within the framework of bilateral agreements or outside the scope of an agreement. Furthermore, the rules for access of vessels flying the flag of a third country to Community waters are redefined.

Following the 2006-08 Action plan for simplifying and improving the Community Fishery Policy (CFP), and the changed circumstances for fisheries outside Community waters since the adoption of Regulation (EC) No 3317/94 as well as in order to comply with international obligations, it was felt necessary to introduce a general Community system for authorisation of all fishing activities outside Community waters.

The European Parliament has given its opinion on 10 April.

### **Vulnerable marine ecosystems in the high seas**

The Council has reached an unanimous *political agreement* on a regulation on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears ([14231/08](#)).

The Council consequently instructed Coreper to do the necessary in order for Council to adopt the proposal at one of its forthcoming meetings once the legal/linguistic formalities have been finalised.

Two outstanding issues have been resolved by ministers:

- the **prohibition of bottom gears** in those areas where no proper scientific assessment has been carried out and made available (article 6), and
- **100% observer coverage** (article 11).

Both provisions shall be **reviewed**: before 20 June 2010 (article 13) and one year after the regulation's publication, respectively.

This proposal introduces measures to protect vulnerable marine ecosystems from the destructive effects of bottom fishing activities, in particular by introducing a special fishing permit, relevant monitoring measures and a precautionary protected boundary within the water column.

This proposal is in line with the recommendations issued by the United Nations General Assembly on the pressing need to adopt measures to protect vulnerable marine ecosystems from the destructive effects of bottom fishing activities<sup>1</sup>.

The opinion of the European Parliament was adopted on 4 June 2008.

### **Partnership Agreement with Mauritania**

The Council took note of the state of play regarding the proposals from the Commission on the conclusion of the renegotiated protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania ([9295/08](#), [9298/08](#)).

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<sup>1</sup> Cf. Resolution 61/105 of the General Assembly of the United Nations, adopted on 8 December 2006.

The Council took note of the outstanding concerns expressed by the Dutch, Lithuanian and Spanish delegations with regard to the quotas allotted under the draft revised protocol.

The Council is expected to adopt a decision and a regulation as soon as possible, presumably in July.

Commissioner Borg recalled that the Community has negotiated an adjustment of the terms of this protocol because Community vessels did not fully use the fishing opportunities it opened to them, with the consequence that its economic and financial advantages were put into question.

On 13 March 2008, a new protocol was initialled by Mauritania and the European Community for the period from 1 August 2008 to 31 July 2012.

### **Fishing opportunities for 2009**

The Council held an *exchange of views* on the so-called "frontloading exercise" with a view to preparing the setting of TACs and quotas 2009 ([10264/08](#)).

The aim of the discussion is to provide the Council and the Commission with a clear view of the positions of Member States on fishing opportunities and fishing efforts with a view to steer the work on preparing Council decisions on TAC's and quotas to be adopted in December.

### **Cod TAC in Celtic Sea**

The Council took note of the request of the French delegation, supported by the United-Kingdom and Ireland, regarding the follow-up of a commitment made by the Commission at the Council's meeting on 17-19 December to review total allowable catches (TAC) agreed for 2008 for Celtic cod in ICES<sup>1</sup> areas VIIb to VIIk, VIII, IX and X and EC waters of CECAF 34.1.1.

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<sup>1</sup> International Council for the Exploration of the Sea.

Commissioner Borg indicated that it was premature to take a decision today given that a new scientific opinion will be delivered by ICES on 27 June. Depending on the recommendations of ICES, the Commission is prepared to come back to the Council in July with an appropriate proposal.

### **Bluefin tuna**

The Commission has decided on emergency measures on bluefin tuna<sup>1</sup>, pursuant to Article 7(1) of Council Regulation (EC) n° 2371/2002<sup>2</sup>.

According to such emergency measures, based on the data and information in the possession of the Commission, purse seiners from Greece, France, Italy, Cyprus and Malta have been prohibited from fishing as of 00h00 16 June, and purse seiners from Spain as of 00h00 23 June.

Pursuant to article 7(4) of the above mentioned regulation, France and Italy have decided to refer the Commission decision to the Council ([10800/08](#)).

The concerned member states questioned the approach chosen by the Commission not to have consulted them ahead of the decision-making and asked Commissioner Borg to provide them with all available data allowing comparison and assessment.

Commissioner Borg maintained the Commission views that the Commission decision was taken in line with Council Regulation (EC) No 1559/2007 establishing a multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean, and implementing, on a permanent basis, the recovery plan decided by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to which the Community has been a Party since 14 November 1997.

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<sup>1</sup> In the **Atlantic Ocean** east of longitude 45 °W, and in the **Mediterranean Sea**.

<sup>2</sup> Commission Regulation (EC) No 530/2008 of 12 June 2008 establishing emergency measures as regards purse seiners fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45 °W, and in the Mediterranean Sea (OJ L 155, 13.6.2008, p. 9)

**OTHER BUSINESS**

(a) World Trade Organisation (WTO)-Doha development agenda (DDA) negotiations

– Information from the Commission

The Council was briefed by Commissioner Fischer Boel on progress in the negotiations on agriculture issues, in the run-up to a possible WTO ministerial meeting in Geneva before the summer break.

The Council held an exchange of views based on its conclusions of 10 March 2008.

(b) Blue tongue – safeguards measures in the bovine sector

– Request by the Belgian delegation

The Council took note of the concerns expressed by the Belgian delegation, supported by France and Luxembourg, with regard to the serious difficulties faced by some specialised farmers, despite all the measures already taken at national level. The Belgian delegation asked the Commission to authorise member states to support specialised farms at a higher level than the *de minimis* ceiling established at EUR 7 500 by farm over a three year period<sup>1</sup>. Such exceptional support should be limited to a period of 12 months starting on 1 July 2008.

The Dutch delegation draw the Council attention of the Council to a recent EFSA report pointing out other possible vectors of Blue tongue, such as imported plants or horses and called for a pan-European action aiming at preventing the spreading of the disease via such vectors.

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<sup>1</sup> Within the limits of the ceiling laid down in Article 3(3) of Regulation (EC) No 1535/2007 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid in the sector of agricultural production.

The Slovak delegation indicated that they could not support the Belgian request given the risk of distortion it would introduce.

The Commission representative suggested to the Belgian delegation – rather than the raising of *de minimis* ceiling which could create distortion – to opt for the provisions of "block exemption state aids" which could provide a quicker solution to the difficulties faced by the concerned farmers.

(c) Animal products – recent evolution of costs and prices

– Request by the Belgian delegation

The Council took note of the request by the Belgian delegation to rapidly launch a debate on the high level of production costs in the EU – in particular those related to feed – and on ways and means of reducing the competitive disadvantage vis-à-vis producers from third countries.

The Council also took note of the Belgian delegation's request for clarification on the future role of producers organisations as well as on the possibility to authorise inter-branch organisations in the dairy and meat sectors.

The Presidency indicated that, in the framework of the Health Check discussion, the technical examination by the Council preparatory bodies of the "single Common Market Organisation" proposal on this matter will start in July.

Commissioner Fischer Boel recalled the set of measures already taken to reduce the negative impact of costs and prices increase: the suspension of the set aside, of cereal import duties and the temporary market support for pig meat. Whilst stressing the positive role that producers' organisations might play in certain cases, she recalled the potential risks linked to inter-branch organisations with regard to respect of the rules of the internal market.



- (d) Adaptation of bovine spongiform encephalopathy (BSE) active surveillance system
- Request by the Belgian delegation

The Council took note of the request by the Belgian delegation, supported by Cyprus, Czech Republic, Denmark, France, Ireland, Hungary, the Netherlands, Poland, Portugal, Slovakia, Italy and Slovenia to benefit as soon as possible, and preferably as from January 2009, from the possibility to reduce the number of tests to be carried out for BSE active surveillance.

Commissioner Vassiliou encouraged those member states eligible for a revision of their monitoring programme to submit their file as soon as possible. On the basis of the European Food Safety Agency (EFSA) evaluation expected in July, the Commission would adopt a proposal setting the revised age limits for the active surveillance programmes, before the end of this year with a view to having it enter into force as from 1 January 2009.

Article 6 of Regulation (EC) No 999/2001 provides for a revised surveillance programme<sup>1</sup> the details of which will be known only after EFSA has delivered its opinion, expected by mid-July, on the risks related to a change of the current age limit for testing.

No new BSE case has been recorded in Belgium since October 2006.

- (e) Food, feed, animal and plant imports: safety and compliance with Community rules
- Memorandum from the French delegation (*10698/08*)

The Council took note of the concerns expressed by the French delegation in a joint Memorandum with the Austrian, Bulgarian, Estonian, Finnish, Hungarian, Irish, Italian, Latvian, Lithuanian, Luxembourg, Polish, Romanian, and Slovak delegations.

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<sup>1</sup> Increase of the age limit for testing induces a reduction of the number of tests to be carried out.

Belgium, Cyprus, Germany, Greece, Portugal and Spain brought their support to the French suggestion to work further on the issue at Council level in the coming months, concerning the safety and the compliance with Community rules of food, feed, animal and plant imports.

The Danish, Maltese, Dutch, Swedish and United-Kingdom delegations, while sharing the views that foodstuffs should offer the highest level of safety irrespective where they have been produced, draw the Council attention on the need to respect WTO rules, to develop international standards and to promote labelling as a mean to better inform the consumers.

(f) Proposal for establishment of a Community Agency coordinating veterinary and food border controls

- Request by the Latvian delegation (10922/08)

The Council took note of the suggestion made by the Latvian delegation to create an Agency aiming at better coordinating and harmonising the implementing of the Community legislation on official border checks on imports, exports and transit of goods.

(g) Implication of high fuel prices for the fisheries sector

- *Joint request by Italy, supported by France, Greece, Malta, Portugal and Spain (10880/08)*
- *Information from the Presidency (10799/08, 10930/08)*

The Council took note of the concerns raised by the Italian delegation, supported by the French, Greek, Maltese, Portuguese and Spanish delegations.

The Council held a preliminary exchange of views, pending the formal presentation of the legislative package<sup>1</sup>, in the coming weeks.

Commissioner Borg indicated that the Commission has agreed in principle on an emergency package of measures to tackle the fuel crisis in the fisheries sector. The package will primarily be a proposal for a Council regulation instituting an ad hoc special, temporary regime which will derogate from some provisions of the European Fisheries Fund (EFF) regulation for a period of two years.

Four types of measures are envisaged: emergency measures; measures for the benefit of those fleets which will engage into a major restructuring effort; market measures to increase the value of fish; measures facilitating the use the European Fisheries Fund (EFF).

For more details:

[http://ec.europa.eu/fisheries/press\\_corner/press\\_releases/2008/com08\\_48\\_en.htm](http://ec.europa.eu/fisheries/press_corner/press_releases/2008/com08_48_en.htm)

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<sup>1</sup> Drawn up in line with the European Council Conclusions of 20 June 2008.  
10590/08 (Presse 169)

OTHER ITEMS APPROVED

AGRICULTURE

**Reform of the support scheme in the cotton sector\***

The Council adopted a regulation reforming the support scheme in the cotton sector (10232/08). The regulation amends regulation 1782/2003 on common rules for direct agricultural support schemes as regards cotton and establishes a scheme for restructuring the cotton sector.

The main measures in the regulation are:

- **decoupling** of 65% of the total aid, while maintaining 35% still linked to production (same ratio as in the 2004 reform);
- **eligibility for coupled aid** for land approved by the Member State and authorised seed varieties;
- **coupled aid** to be determined on the basis of **fixed yields** per hectare, reference amounts per eligible hectare and limited national **base areas** for each concerned member state;
- **national restructuring programmes** for the sector, financed by the Community, introducing market orientation measures in support of quality schemes and promotion activities and ensuring a more viable ginning industry.

The regulation responds to a judgment by the Court of Justice of 7 September 2006 (Case C-310/04) which annulled the cotton reform regulation adopted in 2004<sup>1</sup>. The new regulation is based on an impact assessment and on a consultation of stakeholders.

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<sup>1</sup> Regulation (EC) No 864/2004.

It is also in line with the objectives set out in the Protocol No 4 to the Act of Accession of Greece, concerning cotton production in Community regions where it is important for the agricultural economy; equivalent protocols were annexed to the accession treaties of Spain and Portugal.

The regulation will apply as from 1 January 2009.

### **Placing of plant protection products on the market – "Pesticides Regulation"**

The Council reached a *political agreement* with a view to the adoption of a common position on a draft regulation concerning the placing of **plant protection products** on the market ([7538/08](#))<sup>1</sup> following the first reading under the co-decision procedure with the European Parliament.

The Council should be able to adopt its common position on the text in autumn, so that it can be transmitted to the European Parliament for the second reading.

The draft regulation is intended to recast current legislation completely, so as to provide increased protection for human health and the environment, improve the functioning of the internal market and update authorisation procedures.

Its core elements<sup>2</sup> include a positive list of active substances, criteria for the approval of substances and a compulsory mutual recognition scheme for authorisations, based on a division of the EU territory in three authorisation zones.

#### **Aegean islands**

The Council adopted a regulation amending regulation 1405/2006 laying down specific measures for agriculture in favour of the smaller Aegean islands ([9225/08](#)).

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<sup>1</sup> The Commission amended its proposal following the first reading opinion of the European Parliament.

<sup>2</sup> See press release [9039/08](#) for more details on the content of the proposal.

The regulation incorporates certain modifications in regulation 1405/2006, which is aimed at offsetting difficulties deriving from the particular geographical situation of some of the Aegean islands. It also amends regulation 1782/2003.

### **Transmissible spongiform encephalopathies (TSE)**

The Council decided not to oppose the adoption by the Commission of a regulation amending annex IV to regulation 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

Annex IV concerning animal feeding will be amended in two respects:

- in accordance with a risk assessment by the European Food Safety Authority, the feeding of fishmeal to unweaned calves as milk replacers will be allowed, subject to strict rules for the production, packaging, labelling and transport of such products. The reason for this authorisation is that fishmeal offers indispensable properties as milk replacer compared to other vegetable protein sources;
- exports of processed pet food containing processed animal proteins derived from ruminants to third countries will be allowed. This is in the interest of legal consistency as the use of such proteins for the production of pet food is currently allowed within the Community.

These measures have been endorsed by the Standing Committee on the Food Chain and Animal Health (Scofcah).

The amending regulation is subject to the regulatory procedure with scrutiny<sup>1</sup>. This means that after being agreed by the competent committee of experts (Scofcah) it needs to be given the green light by the Council and the European Parliament, upon which it can be formally adopted by the Commission.

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<sup>1</sup> See Council decision 2006/512/EC of 17 July 2006, OJ L 200, 22.7.2006, p. 11.

## **Simplified procedures for listing and publishing information in the veterinary and zootechnical fields**

The Council reached a political agreement on a draft directive reviewing the current updating and publishing procedures for information in the veterinary and zootechnical fields ([10305/08 ADD 1](#) + [COR 1](#)).

The directive will harmonise these procedures for lists of certain approved **animal health establishments<sup>1</sup> and breeding organisations in member states** as well as for information to be provided by member states regarding equine competition. It provides for more systematic, coherent and uniform rules in this respect. Member states will be responsible for drawing up the lists on the basis of common criteria.

- Moreover, it will harmonise and simplify the procedures for updating and publishing lists of certain approved **animal health establishments and authorities** approved for the purpose of keeping a herd book, a flock book or a studbook **in third countries**. The responsibility for drawing up the lists will lie with the third countries, without prejudice to the right of the Commission to take safeguard measures if necessary.
- Finally, it will simplify the same kind of procedures for lists of certain national reference **laboratories** and other approved laboratories.

The directive will amend 22 directives and one decision, ensuring a simplified approach, which will reduce administrative burdens to the benefit of both competent authorities and stakeholders.

The directive will be formally adopted at a later stage after its revision by the legal-linguistic experts.

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<sup>1</sup> The "animal health establishments" concerned are: assembly centres for bovine, porcine, caprine and ovine animals, equine marshalling centres, dealers of those animals, poultry establishments, semen collection or storage centres and embryo collection or production teams and certain bodies, institutes and centres.

**FISHERIES**

**Port State measures to prevent illegal fishing**

The Council adopted a decision authorising the Commission to conduct negotiations for the elaboration of an international legally-binding instrument on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing ([10490/08](#)).

**JUSTICE AND HOME AFFAIRS**

**EU special intervention units – Police cooperation**

The Council adopted a decision aimed at improving cooperation between EU member states special intervention units in crisis situations.

The decision will allow special intervention units to provide assistance and/or operate on the territory of another member state in order to deal with a concrete crisis situation. A member state may provide equipment and expertise and carry out actions on the territory of the requesting country, as well as to use weapons if so required.

It also provides for national special intervention units to hold meetings and organise joint training with a view to exchanging experience and information on dealing with crisis situations.

The decision, which will enter into force in six months, follows-up the Prüm decision on combating terrorism and cross-border crime, and the special intervention units cooperation under the "Atlas network".

**Cross-border cooperation in combating terrorism and cross-border crime**

The Council adopted a decision (the Prüm decision) on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ([11896/07](#)).



Following the entry into force of the Prüm Treaty between Belgium, Germany, Spain, France, Luxembourg, Netherlands and Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration ([10900/05](#)), the EU considered necessary to incorporate the substance of the provisions of the Treaty into its legal framework.

The Prüm decision takes into account namely the Hague Programme<sup>1</sup> for strengthening freedom, security and justice which recommended that full use should be made of new technology and that there should also be reciprocal access to national databases, as well as the Council Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities of the member states of the EU<sup>2</sup> which already allowed the member states' law enforcement authorities to exchange existing information and intelligence expeditiously and effectively for the purpose of carrying out criminal investigations or criminal intelligence operations.

In this context, the decision contains *inter alia* provisions on the conditions and procedure for:

- the automated transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data;
- the supply of data in connection with major events with a cross-border dimension;
- the supply of information in order to prevent terrorist offences;
- stepping up cross-border police cooperation.

Closer police and judicial cooperation in criminal matters must go hand in hand with respect for privacy and protection of personal data, which are guaranteed by data protection arrangements foreseen in the decision.

The information obtained by comparing data should open up new investigative approaches for member states and thus play a crucial role in assisting member states' law enforcement and judicial authorities.

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<sup>1</sup> OJ C 53, 3.3.2005.

<sup>2</sup> OJ L 386, 29.12.2006, p. 89.

The Council also adopted a decision on the implementation of the Prüm decision ([10216/08](#)).

This implementing decision lays down administrative and technical provisions as regards in particular the automated exchange of DNA data, dactyloscopic data and vehicle registration data, and other forms of cooperation.

### **Visa Information System\***

The Council adopted a regulation concerning the Visa Information System (VIS) and the exchange of data between member states on short-stay visas ([3630/1/07](#), [13127/07 ADD1](#)+[COR1](#)).

The regulation sets up the conditions and procedures for the exchange of data between member states on applications for short-stay visas and on the decisions taken in relation thereto, including the decision whether to annul, revoke or extend the visa, to facilitate the examination of such applications and the related decisions.

The VIS will have the purpose of improving the implementation of the common visa policy, consular cooperation and consultation between central visa authorities by facilitating the exchange of data between member states on applications and on the decisions relating thereto.

The VIS is a particularly important tool for strengthening the area of security, freedom and justice. The regulation governing the VIS allows the competent authorities (in particular visa, border and immigration agencies) to store in a central European database alphanumeric and biometric data on visa applicants and visas which have been issued, denied or revoked, and retrieve the data concerned. This enables them to prevent what is referred to as visa shopping, and to identify applications by the same person under different names.

The Council also adopted a decision concerning access for consultation of the VIS by designated authorities of member states and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences ([11077/1/07](#), [13607/07](#)).

The decision allows security authorities to query the VIS for the purpose of preventing, detecting and investigating terrorist offences. Giving the security authorities this new possibility to search the VIS will allow a major advance in protecting against international terrorism and organised crime in particular.

## **EUROPEAN SECURITY AND DEFENCE POLICY**

### **EU police mission in the Democratic Republic of the Congo**

The Council adopted a joint action amending and extending joint action 2007/405/CFSP establishing a police mission in order to continue the EU's contribution to Congolese efforts to reform and restructure the National Congolese Police and its interaction with the judicial system in the DRC (EUPOL RD Congo) (10113/08).

The mandate of the mission is extended for a year until 30 June 2009. In addition, the tasks of the mission will also include the provision of assistance to the *Police Nationale Congolaise* in the areas of Border Police and the Audit Police Service.

Furthermore, the mission will contribute to the police, gender, human rights and children and armed conflict aspects of the stabilisation process in the east of the DRC and facilitate the linkage and harmonisation of those efforts with the national process of police reform. This should be done in particular by providing support for two programmes that have been designed to implement the January 2008 Goma agreements between the government and various groups operating in the Kivus. In this connection, EUPOL RD Congo will also be deployed in the eastern part of the DRC taking particular account of security issues, gender-based violence, children in armed conflicts and international coordination.

A financial reference amount of EUR 6.92 million is earmarked for the period from 1 July 2008 until 30 June 2009.

For more information on EUPOL RD Congo, see: <http://www.consilium.europa.eu/eupol-rdcongo>.

## **European Security and Defence College**

The Council adopted a joint action establishing a European Security and Defence College (ESDC) and repealing joint action 2005/575/CFSP ([10145/08](#)).

On 21 December 2007, pursuant to Article 13 of Joint Action 2005/575/CFSP, the Steering Committee presented a report on the activities and perspectives of the ESDC with a view to a revision of the Joint Action.

The Council noted, notably, that the Council Secretariat will for the time being continue to act as the ESDC Secretariat.

The ESDC is organised as a network between national institutes, colleges, academies and institutions within the EU dealing with security and defence policy issues and [the EU Institute for Security Studies \(EU ISS\)](#). The ESDC's mission and objectives are to provide training in the field of [the European Security and Defence Policy \(ESDP\)](#) at the strategic level in order to:

- develop and promote a common understanding of ESDP among civilian and military personnel;
- identify and disseminate, through its training activities, best practice in relation to various ESDP issues;
- further enhance the European security culture within ESDP;
- provide EU instances, Member States' administrations and staff with knowledgeable personnel familiar with EU policies, institutions and procedures; and
- help promote professional relations and contacts among training participants.

More information on ESDC can be found at: <http://www.consilium.europa.eu/esdc>.

### **Palestinian territories – EU police mission**

The Council adopted a decision amending decision 2008/134/CFSP on the EU police mission for the Palestinian territories (EUPOL COPPS) by increasing the financial reference amount for this mission to EUR 6 million for the period from 1 March 2008 to 31 December 2008 in order to allow for the reinforcement of its activities (10173/08). The mission is expanding to cover the criminal justice system.

The decision implements joint action 2005/797/CFSP.

EUPOL COPPS (EU police co-ordinating office for Palestinian police support) is aimed at facilitating the establishment of sustainable and effective policing arrangements under Palestinian ownership, in accordance with the best international standards.

For more information on EUPOL COPPS, see : <http://www.consilium.europa.eu/eupol-copps>

### **COMMON FOREIGN AND SECURITY POLICY**

#### **Iraq – EU integrated rule of law mission**

The Council adopted a joint action amending and extending joint action 2005/190/CFSP on the EU integrated rule of law mission for Iraq (EUJUST LEX mission).

The joint action extends the EUJUST LEX mission until 30 June 2009. It also provides for a new financial reference amount up to EUR 7.2 million in order to cover expenditure related to the mission for the period from 1 July 2008 to 30 June 2009.

Since 2005, the EU has been contributing towards strengthening the rule of law in Iraq and promoting human rights through EUJUST LEX by providing training courses and work experience secondments in EU member states for senior Iraqi police, judicial and penitentiary personnel.

EUJUST LEX was established under joint action 2005/190/CFSP (see *Official Journal L 62, 9.3.2005, p. 37*).

More information and documents available on <http://www.consilium.europa.eu/eujust-lex>.

### **Ottawa Convention**

The Council adopted a joint action in support of the universalisation and implementation of the Ottawa Convention, in the framework of the European Security Strategy (10234/08).

The joint action provides for:

- the organisation of regional or sub-regional seminars aimed at increasing accession to and ratification of the Convention and preparing for the second Review Conference in 2009,
- the provision of continuous technical advice and targeted technical assistance visits to States Parties with a view to making recommendations on the full implementation of the Convention.

The Presidency, assisted by the High Representative will be responsible for the implementation of this joint action, with the Commission fully associated. The technical implementation of the projects will be carried out by the Implementation Support Unit of the Geneva International Centre for Humanitarian Demining (ISU/GICHD).

The financial reference amount for the implementation of the projects will be EUR 1 070 000.

The Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction<sup>1</sup> entered into force in March 1999. It constitutes a comprehensive international instrument to deal with all matters related to anti-personnel landmines, including their use, production and trade, victim assistance, mine clearance and stockpile destruction.

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<sup>1</sup> [www.icbl.org/treaty](http://www.icbl.org/treaty)

The European Council adopted the European Security Strategy in 2003 ([15895/03](#)). It calls for an international order based on effective multilateralism, acknowledging the United Nations Charter as the fundamental framework for international relations. Strengthening the United Nations and helping it to carry out its responsibilities and to act effectively is therefore a priority of the EU.

## **EXTERNAL RELATIONS**

### **EU Special Representative for Afghanistan – extension of the mandate**

The Council adopted a Joint Action extending the mandate of the EU Special Representative (EUSR) for Afghanistan Mr Francesc Vendrell until 31 August 2008 ([10143/08](#)).

The financial reference amount, close to EUR 1.5 million, will cover the period from 1 March to 31 August 2008.

This Joint Action amends Joint Action 2008/131/CFSP.

### **Iran – restrictive measures**

The Council adopted a common position amending restrictive measures against Iran. The common position amends common position 2007/140/CFSP adopted on 27 February 2007 concerning restrictive measures against Iran.<sup>1</sup>

It extends the restrictive measures to additional persons and entities in Iran that fulfil the criteria set out in Articles 4(1)(b) and 5(1)(b) of common position 2007/140/CFSP, i.e. persons and entities that are engaged in, directly associated with, or providing support for, Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems. Common position 2007/140/CFSP was adopted following the adoption of UN Security Council 1737 (2006).

The measures include a travel ban and a freeze on assets and economic resources.

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<sup>1</sup> OJ L 61 of 28.2.2007, p. 49, as amended by common position 2007/246/CFSP (OJ L 106 of 24.4.2007, p. 67).

The Council also adopted a decision implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran<sup>1</sup>. The decision implements the relevant measures as far as the Community is concerned.

The decisions, including the list of persons and entities, will be published in the Official Journal.

### **Cuba – Council conclusions**

The Council adopted the following conclusions:

"The Council:

The Council notes the changes undertaken so far by the Cuban Government. The Council supports liberalizing changes in Cuba and encourages the government to introduce them.

The Council called upon the Cuban Government to improve effectively the human rights situation by, inter alia, releasing unconditionally all political prisoners, including those who were detained and sentenced in 2003. This remains a key priority for the EU. It also calls on the Cuban Government to facilitate access of international humanitarian organizations to Cuban prisons. The Council further called upon the Cuban authorities to ratify and implement the recently signed International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights and urged again the Cuban Government to make real the commitment to human rights it has demonstrated through the signing of these two human rights covenants.

The Council confirmed its renewed commitment to and the relevance of the Common Position of 1996, and reaffirmed its determination to pursue a dialogue with the Cuban authorities as well as with representatives of civil society and democratic opposition, in accordance with EU policies, in order to promote respect for human rights and real progress towards a pluralist democracy. The Council underlined that the EU will continue to offer to all sectors of society practical support towards peaceful change in Cuba. The EU also reiterated its call on the Cuban Government to grant freedom of information and expression including access to the Internet and invited the Cuban Government to cooperate on this matter.

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<sup>1</sup> OJ L 103 of 20.4.2007, p. 1 as last amended by Regulation (EC) N° 219/2008 (OJ L 68, 12.3.2008, p. 5).



The EU reiterates the right of the Cuban citizens to decide independently about their future and remains ready to contribute positively to the future development of all sectors of Cuban society including through development cooperation instruments.

As stated in the Council Conclusions of 18 June 2007, the EU stands ready to resume a comprehensive and open dialogue with the Cuban authorities on all topics of mutual interest. Since June 2007, preliminary discussions on the possibility to launch such a dialogue have taken place at Ministerial level between the EU and Cuba and bilaterally. This process of dialogue should include the whole range of potential fields of cooperation including the political, human rights, economic, scientific and cultural spheres and should take place on a reciprocal, unconditional, non-discriminatory and result-oriented basis. Within the framework of this dialogue, the EU will outline to the Cuban Government its views on democracy, universal human rights and fundamental freedoms. The Council reaffirmed that its policy for EU contacts with the democratic opposition remains valid. During high level visits, human rights issues should always be addressed; when appropriate, meetings with the democratic opposition will be part of high level visits.

The Council therefore agreed to pursue the above mentioned comprehensive political dialogue with the Cuban Government. In this context, the Council agreed to the lifting of the already suspended 2003 measures as a means to facilitate the political dialogue process and enable the full use of the instruments of the 1996 Common Position.

On the occasion of the annual review of the Common Position, the Council will proceed in June 2009 to an evaluation of its relations with Cuba including the effectiveness of the political dialogue process. Following that date, the dialogue will continue if the Council decides that it has been effective, taking into account in particular the elements contained in para 2 above."

### **Effectiveness, coherence and visibility of the EU's external policies**

The Council took note of a report on progress made in improving the effectiveness, coherence and visibility of the EU's external policies during the Slovenian presidency of the Council in the first half of 2008 and recommendations for future work ([10612/08](#)).

**ECONOMIC AND FINANCIAL AFFAIRS**

**Codified version of a decision on a guarantee against losses under loans for projects outside the EU**

The Council adopted a codified version of the decision granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community ([8715/08](#)).

The new decision supersedes the various acts incorporated into the original decision along the time, whilst fully preserving the content of the legal acts.

The purpose of the codification is to simplify and clarify Community law, therefore no changes of substance are made to the instruments affected by codification.

**Arbitration convention on double taxation – Bulgaria and Romania – EU enlargement**

The Council adopted a decision in order to adjust the convention on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (the "arbitration convention") by reason of accession of Bulgaria and Romania ([10060/08](#)).

The arbitration convention will enter into force in relation to Bulgaria and Romania on 1 July 2008.

To that effect, the Council also adopted a decision in order to include the arbitration convention into the 2005 act of accession of Bulgaria and Romania to the EU ([10061/08](#)).

**INSTITUTIONAL AFFAIRS**

**Court of Justice – Amendments to rules of procedure**

The Council approved a decision with a view to amending the European Court of Justice's rules of procedure ([10010/08](#)).

The amendments, to be adopted by the Court of Justice, are aimed at improving the conduct of the review procedure of decisions of the Court of First Instance, both ruling on an appeal brought against a decision of a judicial panel, and ruling on questions related to preliminary ruling in specific areas laid down by the Statute of the Court of Justice.

In particular, a special chamber will be set up in order to decide whether a decision of the Court of First instance is to be reviewed.

The Council also approved a decision with a view to amending the Court's rules of procedure so as to specify that the language applicable to a case will have to be the same as the language of the decision of the Court of First Instance which is subject to review ([10003/08](#)).

**INTERNAL MARKET**

**Free movement of goods – *Council conclusions***

The Council adopted a legislative package aimed at facilitating free movement of goods within the internal market by removing remaining barriers to trade, and at enhancing competitiveness and safety for consumers. The decision follows the agreement reached with the European Parliament at first reading under the codecision procedure.

The package is made up of 3 legal instruments dealing with the "mutual recognition" principle and with the "new approach" system.

*Mutual recognition*

The regulation laying down procedures relating to the application of certain technical rules to products lawfully marketed in another member state ([3613/08](#)), will contribute to facilitate access to free trade of goods by sorting out some obstacles encountered in the implementation of the "mutual recognition" principle in the non-harmonised area of goods.

The mutual recognition principle entails that EU countries of destination cannot forbid the sale on their territories of products lawfully marketed in another EU country and which are not subject to Community harmonisation.

The regulation lays down the procedure to be followed by national authorities when trying to impose a national technical rule (i.e. in cases where mutual recognition is not being applied).

It also transfers the "burden of proof" from the economic operator to the administration, thus making it more difficult for a member state to deny the marketing of products that are already accepted in another member state.

Furthermore, it provides for the establishment of product contact points in the member states.

The regulation repeals Council decision 3052/95/EC establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community.

*Revision of the "new approach" system*

- The regulation setting out the requirements for accreditation, market surveillance and controls of products entering the Community market ([3614/08](#)); and
- the decision setting out a common framework for the marketing of products ([3615/08](#)).

These instruments review, update and strengthen the "new approach" system that was established in 1985. The "new approach" put into place a system enabling the Commission to mandate the drawing up of technical specifications by European standardisation organisations, in order to comply with the harmonised level of safety required for products.

In particular, the regulation is aimed at reinforcing market surveillance mechanisms and ensuring that products circulating throughout the EU respect a high level of protection of public interests.

The decision on the marketing of products provides tools for future technical harmonisation allowing sectoral adaptation. New features will also reinforce clarity of the EC marking and the conformity of the products.

## **ENERGY**

### **Energy Community Ministerial Council**

The Council took note of the annotated agenda for the Energy Community Ministerial Council to take place in Brussels on 27 June 2008. It also adopted a decision establishing the European Community position within this Ministerial Council.

The Energy Community Treaty entered into force on 1 July 2006. The Energy Community extends the EU internal energy market to contracting parties in South East Europe and beyond. It thereby provides a stable investment environment based on the rule of law, and ties the contracting parties together with the EU. Through its actions the Energy Community makes a large contribution to security of supply in wider Europe.

**TRANSPORT**

**Commercial transportation by aeroplane**

The Council decided not to oppose the adoption by the Commission of a regulation amending Council regulation (EEC) No 3922/1991 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (9424/08).

**RESEARCH**

**EU/New Zealand scientific and technological cooperation agreement**

The Council adopted a decision approving the signing of scientific and technological cooperation a agreement with New Zealand ([10118/08](#)).

**Programme on quality of life for older people**

The Council adopted a decision approving the participation by the European Community (EC) in a research and development programme aimed at enhancing the quality of life of older people through the use of new information and communication technologies (ICT), undertaken by several EU member states ([3618/08](#)). The decision was adopted at first-reading under the Parliament-Council codecision procedure.

The programme, called "Ambient Assisted Living" (AAL) joint programme, seeks to enhance and improve the quality of life of older people whilst strengthening the industrial base in Europe through the use of ICT. In addition, it has the following specific aims:

- to foster the emergence of innovative ICT-based products, services and systems for ageing well at home, in the community, and at work, thus increasing the quality of life, autonomy, participation in social life, skills and employability of elderly people, and reducing the costs of health and social care;

- to create a critical mass of research, development and innovation at EU level in technologies and services for ageing well in the information society, including the establishment of a favourable environment for participation by SMEs;
- to improve conditions for industrial exploitation by providing a coherent European framework for developing common approaches and facilitating the localisation and adaptation of common solutions which are compatible with varying social preferences and regulatory aspects at national or regional level across Europe.

The AAL joint programme provides the legal and organisational framework for a large-scale European programme involving twenty EU countries<sup>1</sup> and Israel, Norway and Switzerland on applied research and innovation in the area of ICT for ageing well in the information society. They have agreed to coordinate and implement jointly activities aimed at contributing to the AAL programme.

The EC will contribute to the programme up to EUR 150 million.

The AAL programme is the first of four initiatives based on article 169 of the EC treaty that are planned during the course of the EC's 7th research framework programme (2007 to 2013).

Article 169 regulates the participation of the Community in research programmes jointly undertaken by several EU member states, including participation in the structures created for the execution of those programmes.

### **Programme in support of innovative small and medium-sized enterprises**

The Council adopted a decision approving the participation by the EC in a research and development programme aimed at supporting research and development performing small and medium-sized enterprises (SMEs) undertaken by several EU member states ("Eurostars joint programme") ([3623/08](#)). The decision was adopted at first-reading under the Parliament-Council codecision procedure.

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<sup>1</sup> Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom.

Knowledge-intensive and innovative SMEs play a key role for the achievement of the Lisbon objectives, but face serious challenges particularly due to intensified global competition. The Eurostars programme is targeted at SMEs that develop cutting edge technology, production processes and services in their field, as well as SMEs that carry out market-oriented research in transnational projects. Thus, the programme will contribute to:

- boosting the innovative capacity of the economy;
- remedying lack of coordination of national research policies ;
- furthering the development of the European Research Area;
- attaining the common EU objective of raising investment in research and development to 3% of GDP by 2010.

Twenty six EU countries<sup>1</sup> as well as Iceland, Israel, Norway, Switzerland and Turkey have agreed to coordinate and jointly implement activities of Eurostars.

The EC will contribute to the programme up to EUR 100 million.

The Eurostars programme, put forward by EUREKA<sup>2</sup>, is the second of four initiatives based on article 169 of the EC treaty that are planned during the course of the EC's 7th research framework programme.

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<sup>1</sup> Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

<sup>2</sup> <http://www.eureka.be>



**CUSTOMS UNION**

**Court of Auditors' Special Report No 2/2008 on binding Tariff Information (BTI) – Council conclusions**

The Council adopted the following conclusions:

"THE COUNCIL:

1. HAVING EXAMINED the Court of Auditors' Special Report No 2/2008 on Binding Tariff Information (BTI), in particular the recommendations of the Court to the Commission and the Commission's replies;
2. RECALLS that uniform tariff classification in a customs union is a World Trade Organization (WTO) requirement and that the BTI system contributes to the uniform application of customs policy, in accordance with Article X of the General Agreement on Tariffs and Trade (GATT);
3. RECALLS the importance of the BTI system for economic operators, who are entitled to legal certainty with regard to the tariff classification of goods;
4. HAVING REGARD to the Customs Code in force at the time the Court's audit was undertaken;
5. RECALLING the recent adoption of the Community Customs Code (Modernised Customs Code)<sup>1</sup>, the implementation of which is under way, and the central role played by the BTI system in this legislation, notably the fact that the BTI will be binding on the holder;
6. CONSIDERING that the Customs Union is administered by 27 national customs administrations and by the Commission;
7. CONSIDERING also the continuous annual increase of BTIs issued;

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<sup>1</sup> OJ L 145, 4.6.2008, p. 1.

8. TAKES NOTE of the general conclusions of the Court, the audit of which confirms that the BTI system is well-designed and adequately managed by the Commission and the Member States audited by the Court;
9. WELCOMES the Commission's replies to the Court, in particular the steps taken by the Commission to further improve the system;
10. CONSIDERS that the number of BTIs which needed to be invalidated, in comparison with the total BTIs issued over the period reviewed by the Court, is very low, and STRESSES that invalidation is a legitimate process related to BTIs and that the possible financial responsibility of Member States, if any, should be assessed with the utmost caution;
11. INVITES the Commission to further improve the BTI system and to monitor its implementation and application in the Member States."

**Correct application of the law on customs and agricultural matters\***

The Council adopted<sup>1</sup> a regulation amending Council regulation (EC) 515/97 on mutual assistance between the administrative authorities of the member states and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters ([3616/08](#), [10167/08 ADD1 REVI](#)).

The objective of this regulation is the coordination of the fight against fraud and any other illegal activity to the detriment of the Community's financial interests.

Council Regulation (EC) 515/97<sup>2</sup> improved the earlier legal mechanism in particular by allowing information to be stored in the Community database Customs Information System (CIS).

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<sup>1</sup> The Irish delegation abstained from voting.

<sup>2</sup> OJ L 82, 22.3.1997, p. 1. amended by Regulation (EC) No 807/2003 (OJ L122, 16.5.2003, p. 36).

The changes introduced when the European Union was enlarged to 27 Member States, the development of new markets, the increasing internationalisation of trade and its rapid expansion, combined with the increase in the speed of the carriage of goods, impose the need to reconsider Community customs cooperation in a broader framework and with modernised mechanisms, so as not to hamper the development of Europe's economy.

The current system needs therefore to be supplemented by a legal framework establishing a Customs Files Identification Database covering past and current files in order to seek information at the furthest possible point upstream which would help the competent authorities of the Member States to detect suspicious movements of goods and means of transport, including containers, as well as to collect data from the principal service suppliers worldwide, public or private, that are active in the international supply chain.

Furthermore, it is necessary to ensure greater complementarity with action in the context of intergovernmental customs cooperation and of cooperation with the other bodies and agencies of the European Union and other international and regional organisations, namely through the implementation of joint customs operations in the Community context.

## **TELECOMMUNICATIONS**

### **Mobile satellite services\***

The Council adopted by qualified majority<sup>1</sup> a decision of the European Parliament and of the Council establishing a common framework for the selection and authorisation of systems providing mobile satellite services ([3637/08](#), [10193/08 ADD1](#)). Both institutions found an agreement on this legislative act in first reading.

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<sup>1</sup> The Portuguese delegation voted against and the Bulgarian and Swedish delegations abstained from voting.

The decision aims to facilitate the development of a competitive internal market for mobile satellite services across the EU and to ensure gradual coverage in all member states. Mobile satellite services constitute an innovative alternative platform for various types of pan-European telecommunications and broadcasting or multicasting services such as high-speed internet or intranet access, mobile multimedia and public protection and disaster relief. In addition, these services could improve coverage of rural areas in the EU, thus bridging the digital divide in terms of geography.

The decision lays down Community procedures for the common selection at EU level of mobile satellite system operators as well as provisions for the coordinated authorisation by member states of the selected operators to use the radio spectrum for the operation of such systems in the EU. It complements the Commission decision, adopted through comitology procedure in February 2007, that obliged member states to reserve by 1 July 2007 the 2GHz radio frequency bands for use by systems providing mobile satellite services.

The main issue discussed within Council's bodies and between the Council and the European Parliament was the amount of coverage the selected operators of mobile satellite systems will provide. The decision provides for an obligation to cover initially 60% of the aggregated land area of the member states and, in seven years maximum, a coverage of at least 50% of the population and over at least 60% of the aggregate land area of each member state. In addition, an important weighting of 40% of the coverage criteria was added in the second phase of selection.

The selection procedure of operators of mobile satellite systems will be organised by the Commission, assisted by the Communications committee. The call for applications will be published in the Official Journal of the EU.

**TRANSPORT**

**Airport charges\***

The Council adopted by qualified majority<sup>1</sup> a common position on a proposal for a directive on airport charges ([8332/08](#) + [ADD1 REVI](#), [10256/08 ADD1](#)).

The common position will be forwarded to the European Parliament for a second reading in the framework of the codecision procedure.

The purpose of the draft directive is to define a common principles to be respected by airport operators when they determine their airport charges. It aims to clarify the relationship between airport operators and airport users by requiring transparency, user consultation and the application of the principle of non-discrimination when calculating charges levied on users. In addition, it aims to create a strong, independent national authority to arbitrate and settle disputes in order to achieve their speedy resolution.

The Council agreed on a number of changes to the text of the Commission proposal designed to enhance its clarity but also to accommodate concerns expressed by member states. The main modification concerns the scope of the directive. The Commission initially proposed including all airports with an annual traffic of more than 1 million passengers. The Council increased this threshold to 5 million and the directive will also apply to the largest airport in each member state.

The member states will have 3 years from the entry into force of the directive to transpose its provisions.

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<sup>1</sup> The Luxembourg delegation voted against.

**STATISTICS**

**Statistics on plant protection products**

The Council reached political agreement on a regulation concerning statistics on plant protection products, which establishes a framework for the production of Community statistics on the placing on the market and use of plant protection products ([9800/08](#)). In particular, it instructs the member states:

- to collect data regularly;
- on how to collect data;
- on how to transmit data to the Commission.

It also entrusts the Commission with the tasks of adapting some technical aspects and defining the quality evaluation criteria and the data transmission format.

Decision 1600/2002/EC laying down the Sixth Community Environment Action Programme<sup>1</sup> recognised already that the impact of pesticides on human health and the environment, in particular from plant protection products used in agriculture, must be reduced further. The decision also underlined the need to achieve a more sustainable use of pesticides and called for a significant overall reduction of risks and the use of pesticides consistent with the necessary crop protection.

Therefore, harmonised and comparable Community statistics are essential for developing and assessing legislation and policies of the EU on sustainable development and for calculating relevant indicators on the risks for health and the environment related to pesticide sales and use, also in the context of the Community thematic Strategy on the Sustainable Use of Pesticides.

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<sup>1</sup> OJ L 242, 10.9.2002.

## **Aquaculture**

The Council adopted a regulation on the submission of statistics on aquaculture ([3606/08](#)).

The regulation will require EU member states to submit to the Commission statistics on all aquaculture activities conducted in freshwater and salt waters on their territory. It repeals regulation 788/96.

## **Population and housing**

The Council adopted a regulation establishing common rules for the compilation of comparable statistics on population and housing in the EU ([3612/08](#)).

Periodic statistical data on the population and the main family, social, economic and housing characteristics of persons are necessary for the study and definition of regional, social and environmental EU policies. In particular, there is a need to collect detailed information on housing in support of various Community activities, such as the promotion of social inclusion and the monitoring of social cohesion at regional level, or the protection of the environment and the promotion of energy efficiency.

**APPOINTMENTS**

**European Food Safety Authority**

The Council adopted a decision appointing the following members of the Management Board of the European Food Safety Authority for the period from 1 July 2008 to 30 June 2012:

- Davies, Sue\*
  - Facelli, Piergiuseppe
  - Horst, Matthias\*
  - Pogačnik, Milan
  - Ruprich, Jiri
  - Turunen, Sinikka\*
  - Url, Bernhard
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