



**COUNCIL OF
THE EUROPEAN UNION**



16916/08 (Presse 361)

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2917th meeting of the Council

Agriculture and Fisheries

Brussels, 18 and 19 December 2008

President

Mr Michel BARNIER
French Minister for Agriculture and Fisheries

P R E S S

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16916/08 (Presse 361)

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Main results of the Council

The Council unanimously rejected a proposal on the decontamination of poultry carcasses.

The Council adopted, without discussion, conclusions on the safety of imported agricultural and agri-food products into the Community, and a scheme for the distribution of fruit in schools.

CONTENTS¹

PARTICIPANTS..... 6

ITEMS DEBATED

AGRICULTURE 8

Green Paper on agricultural product quality 8

Removal of surface contamination from poultry carcasses..... 8

OTHER BUSINESS 9

OTHER ITEMS APPROVED

AGRICULTURE

– School fruit 10

– Protection of calves and pigs - Codification of Directives..... 11

– Health rules as regards animal by-products not intended for human consumption..... 11

– Safety of imported agricultural and agri-food products and compliance with Community rules – *Council conclusions* 12

– Better regulation in the plant variety and seeds sectors – *Council Conclusions*..... 18

FISHERIES

– Cod – stock management plan..... 19

– Herring to the west of Scotland - multi-annual management plan..... 21

¹ • 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.
• Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
• 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 Council's Internet site or may be obtained from the Press Office.

JUSTICE AND HOME AFFAIRS

– European Evidence Warrant*	22
– Filling in visa stickers	23
– Maintenance obligations	23
– Implementing a new approach to Schengen evaluation – <i>Council conclusions</i>	24

COMMON FOREIGN AND SECURITY POLICY

– Ballistic missiles – EU strategy against the proliferation of weapons of mass destruction	25
– EU activities in the CFSP area – budget	25
– Climate change and security	26
– EU Special Representative to the African Union - Presidency report	26

EXTERNAL RELATIONS

– EU-Kazakhstan, Kyrgyzstan, Uzbekistan - enlargement	27
---	----

ECONOMIC AND FINANCIAL AFFAIRS

– External auditors of the national central banks - Luxembourg	27
– Protection of the euro against counterfeiting	27
– Medals and tokens similar to euro coins	28
– Combating fraud – Cooperation between the European Community and Switzerland	28

DEVELOPMENT COOPERATION

– Loans and grants blending mechanisms	29
--	----

COMMERCIAL POLICY

– Anti-dumping measures – Cotton-type bedlinen – Graphite electrodes	29
– Anti-dumping – Prepared or preserved citrus fruits from China	30

REGIONAL POLICY

– Operations co-financed by the European Regional Development Fund and the Cohesion Fund	30
--	----

CUSTOMS UNION

- Export of cultural goods – Codification of the Regulation30
- Industrial, agricultural and fishery products.....31
- Tariff quotas for agricultural and industrial products31

CONSUMER PROTECTION

- Time-sharing of holiday products – Tourism – Internal market31

INTERNAL MARKET

- Chemicals – "REACH" Regulation32

ENERGY

- Eco-design of digital decoders – Regulatory procedure with scrutiny.....32

ENVIRONMENT

- Protection of the coasts and waters of the North-East Atlantic33

PARTICIPANTS

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

Belgium:

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

Czech Republic:

Mr Petr GANDALOVIČ

Minister for Agriculture

Denmark:

Ms Eva Kjer HANSEN

Minister for Food

Germany:

Ms Ilse AIGNER

Federal Minister for Food, Agriculture and Consumer
Protection

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Brendan SMITH

Mr Tony KILLEEN

Minister for Agriculture, Fisheries and Food
Minister of State at the Department of Agriculture,
Fisheries and Food (with special responsibility for
Fisheries and Forestry)

Greece:

Mr Konstantinos KILTIDIS

State Secretary for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Mr Jesús Miguel ORIA

Minister for Minister for the Environment and the Rural
and Marine Environment
Minister for Rural Development, Livestock Breeding,
Fisheries and Biodiversity of the Autonomous Community
of Cantabria

France:

Mr Michel BARNIER

Minister for Agriculture and Fisheries

Italy:

Mr Vincenzo GRASSI

Deputy Permanent Representative

Cyprus:

Mr Panicos POUROS

Permanent Secretary, Ministry of Agriculture, Natural
Resources and Environment

Latvia:

Mr Martins ROZE

Minister for Agriculture

Lithuania:

Mr Ausrys MACIJAUSKAS

Deputy Minister for Agriculture

Luxembourg:

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 Barnabás FORGÁCS

State Secretary (with special responsibility), Ministry of
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 Nikolaus BERLAKOVICH

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

Poland:

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

Portugal:

Mr Jaime SILVA

Minister for Agriculture, Rural Development and Fisheries

Romania:

Mr Dacian CIOLOS

Minister for Agriculture and Rural Development

Slovenia:

Mr Milan POGAČNIK

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Viliam TURSKÝ

State Secretary at the Ministry of Agriculture

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

United Kingdom

Mr Huw IRRANCA-DAVIES

Minister for the Natural and Marine Environment, Wildlife and Rural Affairs

Mr Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and the Environment (Scottish Government)

Ms Michelle GILDERNEW

Minister for Agriculture and Rural Development for Northern Ireland

.....

Commission:

Ms Mariann FISCHER BOEL

Member

Mr Joe BORG

Member

Ms Androula VASSILIOU

Member

ITEMS DISCUSSED

AGRICULTURE

Green Paper on agricultural product quality

The Council took note of the initial reactions of certain Ministers to the Green Paper on agricultural product quality ([14358/08](#)).

The public consultation launched by the Commission will be completed at the end of the year. The Czech Presidency is due to organise a conference on product quality in Prague on 12 and 13 March 2009. The Commission should forward a legislative proposal before the summer.

Removal of surface contamination from poultry carcasses

The Council unanimously rejected a proposal for a Decision regarding the possibility of using antimicrobial substances to remove surface contamination from poultry carcasses ([16163/08](#)).

OTHER BUSINESS

Question concerning unspent CAP budget

The Council took note of a recurring request from the Polish delegation¹ regarding the unspent CAP budget which could in the latter's opinion fund measures for mitigating the effects of the crisis on the agro-food sector and an active market management policy ([17378/08](#)).

The Commission representative recalled certain terms of the Interinstitutional Agreement on budgetary discipline and sound financial management, inter alia regarding refund to the Member States of unused margins subject to a ceiling. She also pointed out that when circumstances were difficult, the Commission endeavoured to find appropriate measures, including budgetary ones.

Increased control measures imposed by Greece on cereals imported from Romania and Bulgaria

The Council took note of the joint solution devised between the Member States concerned.

Situation in the Irish pigmeat sector

The Council took note of the management of the dioxin crisis in the pigmeat sector mentioned by the Irish delegation and the relevant Commission services ([17392/1/08](#) and [17433/08](#)).

Further information:

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/54&format=HTML&aged=0&language=EN>

Union for the Mediterranean

The Presidency informed the Council of the progress made under its aegis in the framework of the Union for the Mediterranean project.

Further information: [ue2008.fr - Welcome](#)

¹ Cf. 13522/08.

OTHER ITEMS APPROVED

AGRICULTURE

School fruit

The Council adopted a Regulation on the setting up of a school fruit scheme (*16321/1/08*).

This programme is intended to effect a lasting increase in the proportion of fruit and vegetables in children's diets, at the age when they are developing their eating habits, and thus to contribute to the fight against obesity.

Its main features are as follows:

- Children aged 6 to 10 are the main target of the programme, but the Member States may extend supply to crèches, other pre-school establishments, and primary and secondary schools;
- Those Member States which wish to go further may, in addition to the Community aid, grant national aid for the supply of the abovementioned products, and to fund certain related costs. Thus they may grant national aid to finance accompanying measures;
- The Member States may choose from fresh or processed fruit or vegetables, including bananas, depending on objective criteria which include which fruit are in season, the availability of products, or environmental concerns; in this respect, the Member States may give preference to products of Community origin;
- The Community aid is fixed at EUR 90 million per school year¹;

¹ Each participating Member State is guaranteed to receive Community aid of at least EUR 175 000.

- The aid cannot exceed 50 % of the costs of supply and related costs (75 % of such costs in convergence regions and the outermost regions), or cover costs other than the costs of supply and related costs explicitly referred to in the Regulation;
- Given the limited budget, the Member States may call for contributions from the private sector;
- Finally, any national programme already in place will not be eligible, unless the Member State concerned wishes to extend the programme in question or to increase its effectiveness ("additionality" of the aid);
- The programme will apply with effect from the 2009/2010 school year and the Commission will present a report on its implementation to the Council and the Parliament by 31 August 2012.

Protection of calves and pigs - Codification of Directives

The Council adopted codified versions of two Directives laying down minimum standards for the protection of calves (8713/1/08) and pigs (8719/1/08).

Directive 91/629/EEC (calves) and Directive 91/630/EEC (pigs) were substantially amended several times. They were codified for reasons of clarity and rationalisation.

Health rules as regards animal by-products not intended for human consumption

The Council took note of a report on the progress of discussions on a proposal for a regulation laying down health rules as regards animal by-products not intended for human consumption.

The Council's preparatory bodies made progress in particular on the scope, the responsibilities of operators and Member States, the rules for approval and registration, the pet food sector, the relationship with environmental legislation and simplification.

The draft Regulation, which is intended to replace the currently applicable Regulation on animal by-products (1774/2002), aims to

- provide greater legal certainty regarding the scope of the rules on animal by-products;
- introduce an end point in the life-cycle of animal by-products;
- adopt a more risk-based approach;
- adjust the regulatory framework concerning the categorisation of animal by-products to the risks posed by new animal by-products.

The Parliament's rapporteur, Horst Schnellhardt, is due to submit his draft report to the Committee on the Environment, Public Health and Food Safety in January 2009.

Safety of imported agricultural and agri-food products and compliance with Community rules – *Council conclusions*

The Council adopted the following conclusions:

"THE COUNCIL,

RECALLING THAT

- (1) The EU is the world's largest food importer; the growth of global trade in food, feed, animals and plants increases the probability of the emergence and spread of risk factors and diseases, which are sometimes discovered after the event, as recent crises have shown.
- (2) The European system for controlling import-related risk is in compliance with the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).
- (3) Food, feed, animals and plants imported into the EU from third countries must be just as safe as Community products.

- (4) This system is based on the responsibility of operators along the food chain and on rules for import controls, which contribute to a high level of health protection for consumers, animals and plants (including protection from invasive alien species).
 - (5) Effective control systems in Member States are a key element. It is important to ensure effective sanitary and phytosanitary controls at agreed points of Community entry at the EU's external borders, or at places of destination where applicable and useful.
 - (6) Food and Veterinary Office inspections in Member States and in third countries play an essential role in the system.
 - (7) The system works satisfactorily on the whole, but has to be regularly adapted in order to maintain a high level of protection for the sake of European citizens.
 - (8) A memorandum entitled "Food, feed, animal and plant imports: safety and compliance with Community rules" was submitted to the Council of Ministers (Agriculture) on 23 June 2008.
 - (9) The European Economic and Social Committee's exploratory opinion on the safety of agricultural and food imports was adopted on 22 October 2008.
 - (10) The conclusions of the Council relating to the evaluation of the current Community plant health regime and to a proposal for a Community plant health strategy were adopted on 21 November 2008.
1. IS PLEASED to note the Commission initiatives designed to improve the Community system of import controls, such as:
 - 1.1. the revision of Community legislation on the organisation of veterinary checks on products of animal origin (Directive 97/78/EC) and live animals (Directive 91/496/EC) entering the Community;

- 1.2. the plans, based on Regulation No 882/2004/EC, to tighten up health checks on imports of certain foodstuffs of plant origin, on the basis of new or known risks;
- 1.3. the Commission communication on the EU animal health strategy (2007-2013), which emphasises the importance of ensuring border biosecurity;
- 1.4. carrying out, and increasing resources for, the Better Training for Safer Food programme, which provides technical assistance for those responsible for compliance checks along the entire import chain, in particular in developing countries which export to the EU;
- 1.5. the increasing number of FVO inspections in third countries and in Member States concerning sanitary and phytosanitary safety of imports and concerning controls performed at authorised Community points of entry;
- 1.6. the development of software and harmonised databases (RASFF, TRACES and EUROPHYT applications) in order to target sanitary and phytosanitary controls and to ease the management of non-conformities taking into account existing and functioning systems in the sectors concerned.

2. STRESSES that it is important:

Concerning analysis of import-related sanitary and phytosanitary risks:

- 2.1. for import controls policy to be based on risk analysis covering the entire import cycle, in order to adopt measures which are proportionate to the risks and to optimise allocation of the human and financial resources necessary for controls;
- 2.2. to that end, with the support of the European Food Safety Authority (EFSA) in the framework set by the Community legislation, taking into account the work of the relevant international bodies, to build up, where appropriate, scientific methodologies for risk assessments;

- 2.3. for risk managers where possible to define, if necessary, with input from risk assessors, the levels of sanitary and phytosanitary protection judged appropriate in the EU, and to ensure that third countries are made aware of them;
- 2.4. when planning Food and Veterinary Office (FVO) inspection visits to third countries and Member States, to take full account of the findings of risk assessments and any non-compliance found during import controls;

Concerning harmonisation of procedures and coordination between inspection services:

- 2.5. to continue to ensure that import control procedures are commonly accepted and effective and to encourage coordinated Community-level cooperation between the various points of entry into the EU, in order to ensure that imported food, feed, animals and plants provide equivalent level of protection wherever they enter the EU;
- 2.6. to continue to improve information technology (IT) systems and make procedures secure (in particular electronic certification, e.g. UNCEFACT) and to develop the RASFF, TRACES and EUROPHYT applications in order to create tools to assist decision-making by the services responsible for organising and carrying out import controls;
- 2.7. to coordinate closely, inter alia by sharing information between the Member States' various services involved in controls and sanitary risk assessments relating to humans, animals, plants and foodstuffs entering Community territory;

Concerning information and communication:

- 2.8. to ensure appropriate traceability within the Community throughout the whole food chain, including for imported food, feed, animals and plants, as an essential component of risk management;

- 2.9. to have operational warning systems linking Member States and the Commission, allowing them to react and communicate swiftly in the event of health threats entering the EU;
- 2.10 to draw international travellers' attention to the health risks of bringing in food, feed, animals and plants from third countries, by regularly organising information campaigns in the Member States.

3. **DRAWS ATTENTION**

to the need for the Commission's impact analysis to describe and take into account the economic impact of Community rules and the risks and opportunities presented where EU and international standards differ.

4. **INVITES the Commission:**

- 4.1. within the relevant existing legal frameworks, to actively pursue the ongoing regulatory initiatives to improve import controls;
- 4.2. in addition, in the light of the above considerations from 1.1 to 2.10, to submit to the Council and the Parliament by the end of 2010 a report on the effectiveness and consistency of sanitary and phytosanitary controls on imports of food, feed, animals and plants, with a view to continuing a well-functioning Community framework on imports, along with proposals, if appropriate;
- 4.3. in compliance with the SPS Agreement, to continue to promote European standards and regulatory criteria within international standardisation organisations (e.g. OIE, IPPC, EPPO, Codex alimentarius) in the fields of animal health, plant health and food safety, and in negotiations for bilateral agreements with third countries;

- 4.4. to strengthen policy on international cooperation with exporting third countries and, together with the Member States, to continue to support capacity building in third countries and other initiatives such as "better training for safer food", in order to make it easier for them to meet European standards and to support the establishment of sanitary and phytosanitary surveillance networks for improving knowledge of epidemiological situations, taking into account existing structures;
- 4.5. to work for the development of harmonised tools for contributing to the risk assessments referred to in point 2.2. and, at European level, organising systems to monitor emerging risks in Member States and third countries, taking into account existing risk assessment standards in the sectors concerned;
- 4.6. to continue to work with Member States to ensure effective assessment of risks resulting from illegal imports, encouraging cooperation between the relevant authorities both within and between Member States to apply measures to detect and discourage smuggling;
- 4.7. to begin considering appropriate mechanisms for consumer information that would provide much greater transparency on the methods and conditions of production and characteristics of products, in accordance with international trade rules;
- 4.8. to explore what impacts any differences in standards between EU producers and key international trading partners actually have on Community trade, and to analyse, as a basis for further discussion, how international and bilateral trade rules can better interact with EU societal concerns and legitimate factors."

Better regulation in the plant variety and seeds sectors – *Council Conclusions*

The Council adopted the following conclusions:

"THE COUNCIL

- Considering the Council conclusions on 7 May 2007 on better regulation in the plant variety and seed sectors,
- Having acknowledged the conclusions of the evaluation of the Community *acquis* on the marketing of seed and plant propagating material carried out by the Commission with the assistance of a Consultant Cabinet,
- Having acknowledged the forthcoming evaluation of the current Community plant health regime,

INVITES THE COMMISSION :

- To carry out an assessment of the impact of possible changes of legal framework taking into account the conclusions of the evaluation;
- To present an appropriate proposal that leads to significant simplification of legislation on the marketing of seeds and plant propagating material;
- To give the Council regular feedback on progress."

FISHERIES

Cod – stock management plan

The Council adopted a Regulation revising the long-term plan for cod (*Gadhus morua*) stocks established in 2004 (16292/1/08).

The plan covers four cod stocks in the Kattegat, the Skagerrak, the North Sea, the Eastern Channel, the west of Scotland and the Irish Sea.

It updates some measures on the basis of the most recent advice from the Scientific, Technical and Economic Committee for Fisheries (STECF), particularly:

- setting the fishing mortality per fishery at 0,4 for all the stocks concerned, but subject to a review clause;
- the TACs for the Kattegat, the west of Scotland and the Irish Sea are set by the Council each year on the basis of the following limit values:

Stock	Minimum Spawning Biomass Levels in tonnes	Precautionary Spawning Biomass Levels in tonnes
Cod in the Kattegat	6 400	10 500
Cod in the North Sea, Skagerrak and Eastern Channel	70 000	150 000
Cod to the west of Scotland	14 000	22 000
Cod in the Irish Sea	6 000	10 000

- (a) if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the minimum spawning biomass level established in Article 6, the fishing mortality rate shall be reduced by 25 % in the year of application of the TAC as compared with the fishing mortality rate in the previous year;

- (b) if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the precautionary spawning biomass level set out in Article 6 and above or equal to the minimum spawning biomass level established in Article 6, the fishing mortality rate will be reduced by 15 % in the year of application of the TAC as compared with the fishing mortality rate in the previous year; and
- (c) if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be above or equal to the precautionary spawning biomass level set out in Article 6, the fishing mortality rate will be reduced by 10 % in the year of application of the TAC as compared with the fishing mortality rate in the previous year.
 - Initially, the TAC for the North Sea, Skagerrak and Eastern Channel will not exceed a level corresponding to a fishing mortality which is a fraction of the estimate of fishing mortality on appropriate age groups in 2008 as follows: 75 % for the TACs in 2009, 65 % for the TACs in 2010, and applying successive decrements of 10 % for the following years.

Subsequently, if the size of the stock on 1 January of the year prior to the year of application of the TACs is:

- above the precautionary spawning biomass level, the TAC will correspond to a fishing mortality rate of 0,4 on appropriate age groups;
- between the minimum spawning biomass level and the precautionary spawning biomass level, the TACs will not exceed a level corresponding to a fishing mortality rate on appropriate age groups equal to the following formula:
$$0,4 - (0,2 * (\text{Precautionary spawning biomass level} - \text{spawning biomass}) / (\text{Precautionary spawning biomass level} - \text{minimum spawning biomass level}))$$
- at or below the limit spawning biomass level, the TAC will not exceed a level corresponding to a fishing mortality rate of 0,2 on appropriate age groups.

- The annual variation in the TAC will not exceed 20 % of the TAC for the previous year;
- The fishing effort limitation will be expressed in ceilings in kW -days by effort group, that is to say by types of fishing gear. The ceilings are to be set by the Council each year.

Herring to the west of Scotland - multi-annual management plan

The Council adopted a Regulation establishing a multi-annual management plan for the stock of herring to the west of Scotland ([16542/08](#)).

It was agreed that the annual variation in the TAC would be limited to 20 % or 25 % depending on the state of the stock, the 2009 TAC being reduced by 20 % by comparison with the 2008 TAC.

The Regulation establishes a multi-annual plan for the fisheries exploiting the stock of herring in the area to the west of Scotland in international and Community waters of ICES zones Vb and VIb, and that part of ICES zone VIa which lies west of the meridian of longitude 7°W and north of the parallel of latitude 55°N, or east of the meridian of longitude 7°W and north of the parallel of latitude 56°N, excluding the Clyde.

It introduces measures based on the advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF) on that stock of herring (*Clupea harengus*), in particular:

- maintaining the fishing mortality rate for appropriate age groups at
 - 0,25 per year when the spawning stock is more than 75 000 tonnes;
 - 0,2 per year when the spawning stock is between 50 000 tonnes and 75 000 tonnes.
- The rates may be revised if the objectives of the plan are not achieved.

- when the spawning stock is below 50 000 tonnes, fishing is closed;
- vessels must hold a special fishing permit for the zone concerned;
- the Member States will carry out administrative cross-checks by comparing the landing declarations, the fishing areas and catches recorded in the logbook, catch reports and VMS data. Such cross-checks shall be recorded and made available to the Commission on request.

JUSTICE AND HOME AFFAIRS

European Evidence Warrant*

The Council adopted a framework decision on the European Evidence Warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters (*13076/07 + 13076/07 COR1 + 10100/1/08 REV1 + 15414/1/08 REV 1*). The purpose of this new legislative act is to create a device to facilitate proof in cross-border cases on the basis of the principle of mutual recognition.

The EEW will be a decision issued by a judicial authority in a Member State and directly recognised and executed in another Member State. By comparison with the existing mutual assistance procedures which it replaces, the European Evidence Warrant will speed up proceedings and provide guarantees for the issue and execution of a warrant. The European Evidence Warrant applies to specified objects, documents and data needed in the issuing State for the purpose of criminal proceedings or other proceedings which may ultimately give rise to proceedings before a criminal court. The executing authority will recognise all European Evidence Warrants, transmitted in accordance with the provisions of the text, without any further formality being required and will take the necessary measures for its execution, unless it decides to invoke one of the grounds for non-recognition or non-execution provided for in Article 13 or one of the grounds for postponement provided for.

Filling in visa stickers

The Council adopted a Decision amending Annex 13 to the Common Consular Instructions on filling in visa stickers (*15280/08*).

Annex 13 to the Common Consular Instructions lays down common rules on filling in visa stickers in the form of examples corresponding to the different categories of uniform visa. Example 9 in Annex 13 on the short-stay travel visa is amended since it no longer corresponds to any of the legal provisions of the Common Consular Instructions following Council Decision 2006/440/EC of 1 June 2006 (OJ L 175, 29.6.2006, p. 77) harmonising the administrative costs for processing visa applications.

Maintenance obligations

The Council adopted the Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (*15736/08*).

The Regulation combines in a single instrument all of the measures required for recovery of maintenance claims in the European Union in cross-border disputes. It thus includes provisions on conflicts of jurisdiction, on conflicts of law, on enforceability and enforcement of foreign decisions and on cooperation between Member States' judiciaries. Its scope extends to all maintenance obligations arising from family relationships or relationships having similar effects, so as to ensure equal treatment for all creditors. It should thus enable creditors to obtain an enforcement order easily and swiftly, and in most cases free of charge, which can circulate without obstruction throughout the European judicial area and result in regular payment of amounts due.

Proceedings on the proposed Regulation also took place against the background of the negotiations under way at the Hague Conference on Private International Law concerning a convention and protocol on maintenance obligations.

Implementing a new approach to Schengen evaluation – *Council conclusions*

The Council adopted the following conclusions:

Bearing in mind the Council conclusions of 5 and 6 June 2008 on future monitoring of the correct application of the Schengen *acquis* in participating Member States, which endorsed the principle of thematic and/or regional evaluations to be adopted as part of the programme of each Presidency's "Scheval" programme as a complement to country evaluations which should not be affected thereby,

Pointing out the importance of accurate implementation of the Schengen *acquis* and emphasising the advantages of an efficient evaluation mechanism, both for candidate countries and for Schengen Member States, a mechanism which should be adapted in the context of the gradual enlargement of the Schengen area,

Bearing in mind the proposal for a Schengen Evaluation Programme for 2008-2013, drawn up by several successive Presidencies and approved by the Working Party on Schengen Evaluation on 10 May 2008,

Recalling the objective of the Hague programme concerning the new instrument to be proposed by the Commission to supplement the existing Schengen evaluation mechanism,

The Council of the European Union:

- Notes with interest the work done on adapting evaluation procedures to the new challenges stemming notably from the requirement to evaluate a growing number of Member States every year and to the continuous increase in risks and threats, including the elaboration of practical guidelines (15557/2/08 REV 2 JAI 625 SCHEVAL 91 COMIX 804);
- Emphasises in particular the usefulness of completing work on the training of experts in Schengen evaluations, a measure certain to increase the efficiency of the evaluation mechanism;

- Notes with the same interest the work being done on updating the Schengen Catalogues of Recommendations and Best Practices, work that is especially useful for the sharing of best practices between the relevant bodies in Schengen Member States;
- Invites Member States to continue work on adapting the evaluation process and to launch, in the short term and on an experimental basis, the process of an initial thematic and/or regional evaluation in close liaison with the General Secretariat of the Council and the European Commission and drawing on the assistance of national experts;
- Awaits with interest the Commission proposal supplementing the Schengen evaluation mechanism;
- Invites successive Presidencies to report regularly on the progress made in this respect to the relevant preparatory bodies and to the Council by the end of 2009 at the latest.

COMMON FOREIGN AND SECURITY POLICY

Ballistic missiles – EU strategy against the proliferation of weapons of mass destruction

The Council adopted a Decision in support of the Hague Code of Conduct against Ballistic Missile Proliferation (15098/08).

Continuing the implementation of the EU strategy against the proliferation of weapons of mass destruction, the EU supports the activities being carried out by States signatory to the Hague Code of Conduct against Ballistic Missile Proliferation, in order to help achieve the following objectives: promoting the universality of the Code, and in particular the subscription to the Code of all States with ballistic missile capabilities; promoting implementation and enhancement of the Code.

EU activities in the CFSP area – budget

The Council took note of a report on priority measures for 2009 and 2010 in the Common Foreign and Security Policy field for budgetary planning purposes.

Climate change and security

The Council took note of a report containing recommendations from the EU High Representative for the Common Foreign and Security Policy concerning climate change and international security (16994/1/08).

The recommendations follow up a joint report from the High Representative and the European Commission to the European Council in March 2008 analysing the consequences of climate change for international security (7249/08).

The report contains three main recommendations:

- more detailed analysis of the security implications at regional level;
- integration of these analyses into our early warning mechanisms;
- an intensified dialogue with third countries and other organisations.

In addition, the report stresses that in order to deal with the consequences of climate change for security, the EU will have to act at global level while having a detailed understanding of effects at local level.

During the second half of 2009 the Council is due to examine the progress made on climate change and security and on implementing the recommendations.

EU Special Representative to the African Union - Presidency report

The Council approved a Presidency report under Article 14 of Council Joint Action 2007/805/CFSP appointing a European Union Special Representative (EUSR) to the African Union (17284/08).

The report deals with the future of the office of the EUSR to the African Union and its organisation.

EXTERNAL RELATIONS

EU-Kazakhstan, Kyrgyzstan, Uzbekistan - enlargement

The Council adopted three decisions approving the conclusion of protocols to the Partnership and Cooperation Agreements with Kazakhstan (*16402/08*), Kyrgyzstan (*16405/08*) and Uzbekistan (*16407/08*) to take account of the accession of Romania and Bulgaria to the EU in January 2007.

ECONOMIC AND FINANCIAL AFFAIRS

External auditors of the national central banks - Luxembourg

The Council adopted a Decision approving the appointment of KPMG AUDIT Sarl as the external auditor of the Banque du Luxembourg for the financial years 2009 to 2013 (*16504/08*).

The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council.

Protection of the euro against counterfeiting

The Council adopted two Regulations amending respectively the Regulation laying down measures necessary for the protection of the euro against counterfeiting (*16361/08*) and the Regulation extending the effects of those measures to Member States which have not adopted the euro as their single currency (*16362/08*).

Accordingly, for the purposes of detecting and identifying counterfeit notes and counterfeit coins, transfers of such notes and coins between the competent national authorities and the institutions and bodies of the European Union will be authorised henceforth; moreover, an explicit obligation has been introduced for credit and other relevant institutions to check the authenticity of euro notes and coins which they have received before putting them back into circulation. However, time is provided to allow such institutions to adapt their internal procedures and upgrade their equipment.

Medals and tokens similar to euro coins

The Council adopted two Regulations amending, respectively, the Regulation concerning medals and tokens similar to euro coins (16365/08) and the Regulation extending the application of that Regulation to the non-participating Member States (16366/08).

The abovementioned Regulations aim to clarify the protective provisions and to increase transparency in the decision-making process in order to provide more protection for euro coins against medals and tokens similar to euro coins.

Combating fraud – Cooperation between the European Community and Switzerland

The Council adopted a Decision concerning the signature of a Cooperation Agreement between the European Community and the Swiss Confederation to counter fraud and all other illegal activities to the detriment of their financial interests, including value added tax and excise duties (12352/04). This cooperation agreement was designed to supplement the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application, and development of the Schengen acquis.

The objective of this Agreement is to extend administrative and mutual legal assistance in criminal matters between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, so as to combat certain illegal activities. It applies in particular to the administrative and criminal prevention, detection, investigation, prosecution and repression of fraud and any other illegal activity to the detriment of the Contracting Parties' respective financial interests, as well as to the seizure and recovery of amounts due or wrongly received as a result of the illegal activities. The agreement covers:

- trade in goods contrary to customs and agricultural legislation;

- trade contrary to tax legislation applicable to value added tax, special taxes on consumption and excise duties;
- the charging or retention of funds – including their use for purposes other than those for which they were initially granted – from the budget of the Contracting Parties or budgets managed by them or on their behalf, such as grants and refunds;
- procedures for the award of contracts by the Contracting Parties.

DEVELOPMENT COOPERATION

Loans and grants blending mechanisms

The Council took note of a report on loans and grants blending mechanisms in the context of EU external assistance (17123/08).

COMMERCIAL POLICY

Anti-dumping measures – Cotton-type bedlinen – Graphite electrodes

The Council adopted two Regulations:

- one amending Regulation (EC) No 74/2004 imposing a definitive countervailing duty on imports of cotton-type bedlinen originating in India (16374/08),
- and the other amending Regulation (EC) No 1628/2004 imposing a definitive countervailing duty on imports of certain graphite electrode systems originating in India and Regulation (EC) No 1629/2004 imposing a definitive anti-dumping duty on imports of certain graphite electrode systems originating in India (16379/08).

Anti-dumping – Prepared or preserved citrus fruits from China

The Council adopted a Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China (16885/08).

REGIONAL POLICY

Operations co-financed by the European Regional Development Fund and the Cohesion Fund

The Council adopted a Regulation amending Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund, in respect of certain revenue-generating projects, with the aim of simplifying and improving the management of such funds (13874/08).

The purpose of this Regulation is to amend Regulation No 1083/2006 , in respect of certain revenue-generating projects, by limiting its application to operations which are co-financed by the European Regional Development Fund or Cohesion Fund and the total cost of which exceeds EUR 1 million.

CUSTOMS UNION

Export of cultural goods – Codification of the Regulation

The Council adopted a codified version of the Regulation on the export of cultural goods (8714/1/08).

Regulation (EC) No 3911/92 has been amended several times and to a substantial extent. It has been codified with a view to clarity and rationality.

Industrial, agricultural and fishery products

The Council adopted a Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties

on certain industrial, agricultural and fishery products (*16785/08*).

Tariff quotas for agricultural and industrial products

The Council adopted a Regulation on opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products (*16479/5/08*). The new legislative act amends Regulation (EC) No 2505/96 and takes account of changes in Community demand and of the repercussions from the current quota volumes on the internal market.

CONSUMER PROTECTION

Time-sharing of holiday products – Tourism – Internal market

The Council adopted a Directive aiming to enhance the protection of consumers in respect of timeshare and long-term holiday product contracts (*3701/08*).

This Directive lays down the commercial conditions associated with the use of timeshare goods and long-term holiday products (of a duration of more than one year), and with resale and exchange, in order to give consumers the possibility to acquaint themselves with the pre-contractual information, the rights and obligations under the contracts and possibilities of withdrawal, in a clear and comprehensible manner.

Among other things, consumers will be able to benefit from an extended withdrawal period where information has not been provided by traders. The exercise of the right of withdrawal should remain free of charge during that extended period regardless of what services consumers may have enjoyed. The expiration of the withdrawal period does not preclude consumers from seeking remedies for breaches of the information requirements.

The new legislation will make it possible to guarantee equivalent protection in all EU countries with regard to the timeshare market. The law applicable to a contract will be determined in accordance with the Community rules on private international law, in particular Regulation (EC) No 593/2008 on contractual obligations ("Rome I" Regulation)¹. Under that Regulation, the law of a third country may be applicable where consumers are targeted by traders whilst on holiday in a country other than their country of residence.

The supply of timeshare goods (for example, holiday stays in movable rather than immovable property, such as boats or caravans) has changed considerably over the past few years, and new long-term holiday products (holiday clubs at preferential rates, in particular) have appeared on the market. These new products and certain transactions associated with the use of timeshare goods have not hitherto been covered by Community legislation.

INTERNAL MARKET

Chemicals – "REACH" Regulation

The Council took the decision not to oppose the amendment proposed by the Commission to the "REACH" Regulation (Regulation (EC) No 1907/2006 concerning the registration, evaluation and authorisation of chemicals), with regard to dispensation from tests of substances (Annex XI).

ENERGY

Eco-design of digital decoders – Regulatory procedure with scrutiny

The Council decided not to oppose the adoption by the Commission of a Regulation implementing Directive 2005/32/CE on eco-design of digital decoders.

According to the EU's regulatory procedure with scrutiny, the Council may oppose the adoption of legal acts by the Commission. This means that, unless the European Parliament objects, the Commission may adopt the Regulation.

¹ OJ L 177, 4.7.2008, p. 6.

ENVIRONMENT

Protection of the coasts and waters of the North-East Atlantic

The Council adopted a Decision authorising the signing, on behalf of the European Community, of the Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution (16538/08).
