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THE EUROPEAN UNION**



14599/09 (Presse 293)

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2966th Council meeting

Agriculture and Fisheries

Luxembourg, 19 October 2009

President Mr Eskil ERLANDSSON
Minister for Agriculture of Sweden

P R E S S

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14599/09 (Presse 293)

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Main results of the Council

*The Council reached political agreement on **Common Fisheries Policy Controls** and on **TACs in the Baltic Sea**.*

*The Council adopted a regulation extending the intervention period for **butter** and **skimmed milk powder** and had a comprehensive exchange of views on the dairy market situation with a view to adopt further measures next month.*

*The Council adopted a regulation modifying the current marketing standards for **poultry meat**.*

*The Council concluded its proceedings on three **genetically modified maize varieties**.*

CONTENTS¹

PARTICIPANTS..... 5

ITEMS DEBATED

DAIRY MARKET 7

MARKETING STANDARDS FOR POULTRY MEAT 9

GENETICALLY MODIFIED ORGANISMS 10

BALTIC SEA 11

COMMUNITY CONTROL 14

OTHER BUSINESS 16

OTHER ITEMS APPROVED

AGRICULTURE

– Extending intervention periods for dairy products 18

– Regulatory procedure with scrutiny..... 18

FISHERIES

– Conservation of Antarctic Marine Living Resources..... 19

EXTERNAL RELATIONS

– EU- Republic of Moldova cooperation committee..... 20

– Partnership and Cooperation Agreement EU-Azerbaijan 20

EUROPEAN SECURITY AND DEFENCE POLICY

– EU military operation in Tchad and Central African Republic - Termination planning 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.

COMMON FOREIGN AND SECURITY POLICY

- Democratic Republic of Congo - EU police mission to reform security sector.....21

TRADE POLICY

- Amendment of EU-Switzerland agreement on agricultural trade.....22
- EU rules for exports (codified version).....22
- Anti-dumping - Ammonium nitrate from Russia22

ECONOMIC AND FINANCIAL POLICY

- Taxation of mergers, divisions, partial divisions - codified version23
- VAT-exemption on the importation of certain goods - codified version23

EUROPEAN SECURITY AND DEFENCE POLICY

- EU military exercise in 2010.....23

DEVELOPMENT COOPERATION

- ACP-EU agreement - Observer status - Equatorial Guinea - South Africa.....24

ENERGY

- Statute of the International Renewable Energy Agency24

TRANSPORT

- Aviation - Comitology procedure.....24

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 Kris PEETERS

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

Mr Benoît LUTGEN

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

Bulgaria:

Mr Miroslav NAYDENOV

Minister for Agriculture and Food

Czech Republic:

Mr Stanislav KOZÁK

Deputy Minister for Agriculture, Commodities Section

Danemark:

Ms Eva KJER HANSEN

Minister for Food, Agriculture and Fisheries

Germany:

Ms Ilse AIGNER

Federal Minister for Food, Agriculture and Consumer Protection

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Brendan SMITH

Minister for Agriculture, Fisheries and Food

Greece:

Ms Katerina BATZELI

Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for Minister for the Environment and the Rural and Marine Environment

Ms Silvia CLEMENTE

Minister for Agriculture and Rural Development of the Autonomous Community of Castile-Leon

France:

Mr Bruno LE MAIRE

Minister for Food, Agriculture and Fisheries

Italy

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Minister for Agricultural, Food and Forestry Policy

Cyprus:

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Deputy Permanent Representative

Latvia:

Ms Dace LUCAUA

State Secretary, Ministry of Agriculture

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Minister for Agriculture

Luxembourg:

Mr Romain SCHNEIDER

Minister for Agriculture, Viticulture and Rural Development

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 Nikolaus BERLAKOVICH

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 Achim IRIMESCU

Slovenia:

Mr Milan POGAČNIK

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Vladimír CHOVAN

Minister for Agriculture

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Mr Rolf ERIKSSON

Minister for Agriculture

State Secretary, Ministry of Agriculture

United Kingdom:

Mr Jim FITZPATRICK

Minister of State, Minister for Food, Farming and
Environment

Mr Huw IRRANCA-DAVIES

Parliamentary Under-Secretary, Marine and Natural
Environment

Mr Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and the Environment,
Scottish Government

Commission:

Mr Joe BORG

Member

Ms Mariann FISCHER BOEL

Member

ITEMS DEBATED

DAIRY MARKET

The Council:

- adopted without discussion a regulation prolonging the intervention periods for butter and skimmed milk powder ([13399/09](#) + [COR 1](#));
- agreed in principle to adopt the proposal on the extension of the disturbance clause to dairy¹ and on the buying-up of quotas² as soon as possible³ ([14270/09](#));
- took note of the quarterly report on the situation on the dairy market⁴ ([14477/09](#));
- was informed about the outcome of the first meeting, on 13 October, of the High Level Expert Group chaired by the Commission to reflect further on medium and long-term measures, including a regulatory framework;
- took note of the contribution from 21 Member States ([14526/09](#)).

¹ extending the "disturbance clause" which already exists for other farm sectors, to allow a quicker response to future market disturbances, if prices fall or rise;

² changing, on a voluntary base, the operation of quota buying-up schemes for the 2009/2010 and 2010/2011 campaigns. Bought up quota kept in the national reserve should no longer enter in the calculation of the superlevy to be paid at EU level. If a Member State decides to collect a superlevy at national level, the part corresponding to the bought-up quota can be channelled and used at national level for the restructuring of the sector.

³ The Council gave mandate to the SCA to conclude rapidly the examination of the proposal with a view to adopt it already in November;

⁴ Latest figures show further improvement in dairy prices in recent weeks: EU average Skimmed Milk Powder (SMP) price is now estimated just above 180€/100 kg while average butter price has reached 250€/100 kg.

In addition, Marianne Fischer Boel indicated the Commission's intention to propose to the Budget Authority that additional financial resources be channelled to dairy farmers (EUR 280 million).

The proposals follow the European Council conclusions of 19 June inviting the Commission to present an in-depth market analysis of the dairy sector, including possible options for stabilising the dairy market, while still respecting the outcome of the Health Check ([11225/09](#), *point 14*).

The European Parliament will decide on 20 October to deliver its opinion according to the urgency procedure.

MARKETING STANDARDS FOR POULTRY MEAT

The Council adopted by qualified majority, the United Kingdom delegation voting against, a regulation modifying the current marketing standards for poultry meat ([9214/09](#)).

The Council took note of the statement made by the United Kingdom delegation and agreed to have it entered in the minutes of the meeting.

The regulation aims at extending the scope of the current marketing standards for poultrymeat to poultrymeat preparations and products. A new definition is introduced stating that a fresh poultrymeat preparation can only be obtained from fresh poultrymeat, i.e. which has never been frozen before.

The regulation proposes also to delete some elements of the current standards on the grounds of simplification (deletion of subdivision of Class A).

GENETICALLY MODIFIED ORGANISMS

The Council noted the absence of a qualified majority necessary to reach a decision in favour or against the following three proposals:

- a) authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([12961/09](#));
- b) authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([13202/09](#)); and
- c) authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122xNK603 (DAS-59122-7xMON- ØØ6Ø3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([12962/09](#)), respectively.

The Council having concluded its proceedings on this file, the Commission is now entitled to finalise the decision-making procedure on these issues.

BALTIC SEA

The Council reached political agreement on the fishing opportunities and associated conditions applicable for certain Baltic Sea fish stocks for 2010 ([12882/09](#)).

This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda for a forthcoming Council meeting.

The proposal lays down, for 2010, the TAC levels and quotas for certain Baltic Sea stocks, the associated fishing effort for Baltic cod stocks and certain restrictions on the fishing of flounder (*Platichthys flesus*) and turbot (*Psetta maxima*).

The agreement primarily concerned the total allowable catches (TACs) and fishing quotas for Member States in Community waters of the Baltic region, the main changes to which – in terms of reduction, increase or roll-over of TACs as compared with 2009 – are summarised in the table below.

COMMUNITY TOTAL ALLOWABLE CATCHES (TACs) IN THE BALTIC SEA FOR 2010						
Species	ICES FISHING ZONES		COMMISSION proposal	COMMISSION targets	COUNCIL agreement	Difference from
<i>Latin name</i>		TAC 2009	for 2010	for 2010	TAC 2010	previous year
		in tonnes	in tonnes	in %	in tonnes	
		1	2	3	4	5**
<i>Clupea harengus</i>	Baltic Sea subdivisions 30-31 (Eastern)	82669	103336	25%	103336	25%
<i>Clupea harengus</i>	Baltic Sea subdivisions 22-24 (Western)	27176	21469	-21%	22692	-16,5%
<i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32	143609	122068	-15%	126376	-12%
<i>Clupea harengus</i>	Baltic Sea subdivision 28-1 (Gulf of Riga)	34892	36400	4%	36400	4%
<i>Gadus morhua</i>	Baltic Sea subdivisions 25-32 (Eastern)	44580	51267	15%	51267	15%
<i>Gadus morhua</i>	Baltic Sea subdivisions 22-24 (Western)	16337	17700	8%	17700	8%
<i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	3041	3041	0%	3041	0%
<i>Salmo salar</i> *	subdivisions 22-31	309733	263273	-15%	294246	-5%
<i>Salmo salar</i> *	Baltic Sea subdivision 32	15419	15419	0%	15419	0%
<i>Sprattus sprattus</i>	Baltic Sea subdivisions 22-32	399953	339960	-15%	379955	-5%

Legend:

Clupea harengus: herring

Gadus morhua: cod

Pleuronectes platessa: plaice

Salmo salar: Atlantic salmon

Sprattus sprattus: sprat

* AC expressed as number of individuals

** a **negative percentage** indicates a **reduction** in the TAC, a **positive** one indicates an **increase** in the TAC and 0 means a roll-over.

In accordance with the multiannual plan applicable to stocks of Baltic **cod** (*Gadhus morua*) adopted on 18 September 2007¹, the Council endorsed a **15 % increase** in the TACs in the **Eastern Baltic**, in view of the marked improvement in the stock status and a **8 % increase** in the **Western Baltic** where the species is still vulnerable.

For herring (*Clupea harengus*), it was decided to **increase** the TAC by **25 %** for the **Eastern Baltic**, to **reduce** it by **16,5 %** for the **Western Baltic**², and a **roll-over** in the **Gulf of Riga**.

Measures to limit fishing effort were also decided on, in particular:

- a maximum number of days absent from port of **181**³ days in subdivisions 22-24 (Western Baltic) and **160**⁴ days in subdivisions 25-27, i.e. a 10 % reduction in both zones.
- highgrading ban and increased selectivity;
- the Commission also proposes continuing to apply the transitional technical measures prohibiting retention on board of **flounder** (*Platichthys flesus*) and **turbot** (*Psetta maxima*) during certain periods and in specific subdivisions.

Consultation of the Parliament is not required.

¹ Regulation (EC) No 1098/2007, OJ L 248, 22.9.2007, p. 1.

² A multiannual recovery plan for the pelagic species in the Baltic is shortly to be submitted to the Council by the Commission.

³ Excluding the period 1 to 30 April, when Article 8(1)(a) of Regulation (EC) No 1098/2007 applies.

⁴ Excluding the period 1 July to 31 August, when Article 8(1)(b) of Regulation (EC) No 1098/2007 applies.

COMMUNITY CONTROL

The Council reached political agreement on a regulation establishing a modernised system for inspection, monitoring, control, surveillance and enforcement of the rules of the Common Fisheries Policy throughout the market chain, "from net to plate" ([15694/08](#)).

Control and monitoring

- Standardised, coordinated inspection activities at every link in the chain: at sea, in port, during processing, transport and on marketing;
- general standards for specific control measures applicable to recovery and multiannual plans, marine protected areas and discards;
- introduction of a comprehensive traceability system;
- recreational fisheries to be compatible with the objectives and rules of CFP;
- full use of modern inspection technology (satellite-based Vessel Monitoring System (VMS) for vessels over 12 meters, Automatic Identification System (AIS), electronic logbook) allowing cross-checks of all relevant data;
- monitoring of fishing capacity and certification of engine power;
- margin of tolerance in estimates recorded in the fishing logbook set at 10% instead of 20% for all species.

Sanctions

- introduction of harmonised deterrent sanctions;

- penalty point system for infringements committed by masters, operators or beneficial owners of a fishing permit;
- possibility to suspend or reduce EU financial assistance in case of non-compliance of a Member State with CFP rules;
- closures of fisheries on the Commission's initiative;
- more flexibility for the Commission to proceed with deductions from quotas in cases of poor quota management.

Inspection powers

- inspections of fishing vessels to take place outside the waters or territory of the inspecting Member State.
- Independent inspections by Commission fishery inspectors will be possible without prior notice to the Member State concerned;

Cooperation among Member States and coordinating authority

- system of mutual assistance and systematic exchange of control-related information between Member States together with a communication of control data via secure national websites with remote access for the Commission;
- extension of the mandate of the Community Fisheries Control Agency (CFCA);

The new regulation will replace the existing legal framework laid down in Council Regulation (EEC) No 2847/93 as from 1.1.2010 for most of its provisions and as from 1.1.2011 for certain provisions requiring implementing measures.

The European Parliament gave its opinion on the proposal on 22 April 2009.

OTHER BUSINESS

- (a) State aid for the purchase of agricultural land

Requested by the Polish delegation

The Council took note of the request made by the Polish delegation, supported by the French, Lithuanian, Hungarian and Romanian delegations and gave mandate to the Special Committee on Agriculture to examine it on 26 October ([13962/09](#)).

Poland requested that the Council endorses a new State aid scheme, running from 1 January 2010 to 31 December 2013, for the purchase of agricultural land by farmers for the setting up or expansion of agricultural holdings as compatible with the common market.

Decision on the granting of a State aid by the authorities of a Member state should be adopted by unanimity pursuant to Article 88(2), third subparagraph, of the EC Treaty.

- (b) Difficulties to supply sugar refineries

Requested by the Portuguese delegation

The Council took note of the request made by the Portuguese delegation, supported by the Bulgarian, Polish, Romanian and United Kingdom delegations, to suspend the EUR 98 per tonne duty¹ on CXL sugar² in order to overcome refinery supply difficulties (14407/09).

¹ In the wake of 1995, 2004 and 2007 enlargements and in the context of the conclusion of the negotiations under Article XXIV of the GATT, the Community undertook to import from third countries a quantity of raw cane sugar for refining at a rate of duty of EUR 98 per tonne.

² See Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations.

The Commission representative confirmed that the Commission service were closely monitoring the situation and could take the necessary steps in case of market disruption.

(c) Situation on the cereals market

Requested by the Austrian delegation

The Council took note of the request made by the Austrian delegation, supported by the Czech, Hungarian, Romanian, Slovak and Finnish delegations, regarding the measures to be taken by the European Commission to stabilise the difficult situation on the cereals market, in particular export refunds for cereals produced in landlocked countries of the EU and a review of the ceilings on intervention quantities for maize ([14447/09](#)).

The Commission representative declared that it was not appropriate to restore export refunds at this stage, and not possible in any case to adopt targeted measures for certain member states. She reassured ministers that the situation was under strict monitoring and that the Commission was ready to undertake any needed measures in due time.

OTHER ITEMS APPROVED

AGRICULTURE

Extending intervention periods for dairy products

The Council adopted a regulation extending the intervention period for butter and skimmed milk powder ([13399/09](#) + [COR I](#)).

The proposal is aimed at extending the 2009 intervention period for butter and skimmed milk powder from 31 August 2009 until 28 February 2010 in order to respond to the exceptional situation on the dairy market.

A considerable set of support measures has already been deployed, including export refunds for butter, cheese and whole and skimmed milk powder, in addition to the introduction of private storage aid for butter (already in force since from 1 January 2009) and intervention for butter and skimmed milk powder (as from 1 March).

Regulatory procedure with scrutiny

The Council decided not to oppose the adoption by the Commission of the following acts:

- Commission decision laying down transitional measures for the implementation of regulations 853/2004 on hygiene rules for food of animal origin, 854/2004 on the organisation of official controls on products of animal origin intended for human consumption and 882/2004 on official controls performed to ensure the verification of compliance with feed and food law ([13564/09](#) + [COR I](#)); and
- Commission regulation amending annex II to regulation 853/2004 as regards food chain information to be provided to food business operators operating slaughterhouses ([13562/09](#)).

FISHERIES

Conservation of Antarctic Marine Living Resources

The Council adopted a decision on the establishment of the Community position to be adopted in the Commission for the Conservation of Antarctic Marine Living Resources (*13908/1/09 REV 1*).

The European Community is a contracting party to the 1982 Convention on the Conservation of Antarctic Living Marine Resources. The Convention established a Commission for the Conservation of Antarctic Living Marine Resources (CCAMLR) which, on the basis of scientific evidence, will take measures to manage the marine living resources in the area for which it is responsible. These measures are designed to ensure the conservation and rational use of the Antarctic marine living resources.

In the framework of the CCAMLR, the EC will act in accordance with the objectives pursued by the Community within the framework of the Common Fisheries Policy, notably through the precautionary approach to provide for the sustainable exploitation of species regulated by the CCAMLR, to promote the gradual implementation of an ecosystem-based approach to fisheries management, and to minimise the impact of fishing activities on marine eco-systems, as well as through the promotion of economically viable and competitive Community fisheries, providing a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers.

The EC will endeavour to support the adoption of the following actions by the CCAMLR:

- Conservation and management measures for fisheries resources in the Convention Area based on the best scientific advice available, including TACs for species regulated by CCAMLR. For stocks, which suffer from overfishing, specific measures shall be taken in order to adjust fishing activities to a sustainable level;

- Reinforcement of monitoring, control and surveillance measures in the CCAMLR Regulatory Area in order to strengthen compliance with CCAMLR measures;
- Reinforcement of action against Illegal, Unreported and Unregulated (IUU) fishing activities;
- Implementation of protective measures for vulnerable marine ecosystems in the CCAMLR Regulatory Area in line with UNGA Resolutions;
- Development of common approaches with other Regional Fisheries Management Organisations, including the Northwest Atlantic Fisheries Organisation and the International Commission for the Conservation of Atlantic Tunas;
- Additional technical measures based on advice from the CCAMLR Scientific Committee.

EXTERNAL RELATIONS

EU- Republic of Moldova cooperation committee

The Council adopted a position with a view to the 10th EU- Republic of Moldova cooperation committee, to take place in Chisinau on 23 October 2009.

Partnership and Cooperation Agreement EU-Azerbaijan

The Council adopted a decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the EU and Azerbaijan (13428/09). The new legislative act is designed to take account of the accession of Bulgaria and Romania to the European Union.

EUROPEAN SECURITY AND DEFENCE POLICY

EU military operation in Tchad and Central African Republic - Termination planning

The Council adopted a joint action repealing joint action 2007/677/CFSP on the EU military operation in Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) ([13528/09](#))

Following the recovery of the EU force, in accordance with approved termination planning of the EU military operation, the joint action 2007/677/CFSP of 15 October 2007 for the launching of Operation EUFOR Tchad/RCA is repealed.

Operation EUFOR Tchad/RCA ended on 15 March 2009. Subsequently, all forces have been redeployed from the area of operations.

See also: <http://www.consilium.europa.eu/eufor-tchad-rca>

COMMON FOREIGN AND SECURITY POLICY

Democratic Republic of Congo - EU police mission to reform security sector

The Council adopted a joint action with a view to reinforcing existing measures in order to better combat sexual violence and impunity in the Democratic Republic of Congo (DRC), especially in the Eastern region ([13242/09](#)).

The new joint action amends joint action 2007/405/CFSP on the EU police mission ("EUPOL RD Congo" mission) undertaken in the framework of reform of the security sector and its interface with the system of justice in the DRC.

In December 2008, the EU adopted guidelines on violence against women and girls and combating all forms of discrimination against them ([16621/08](#)), marking the EU's clear political will to treat the subject of women's rights as a priority. The EU is furthermore committed to the implementation of United Nations Security Council resolutions 1325 and 1820 on women, peace and security.

More information on the EUPOL RD Congo mission can be found at:
<http://www.consilium.europa.eu/eupol-rd-congo>

TRADE POLICY

Amendment of EU-Switzerland agreement on agricultural trade

The Council adopted a decision on the conclusion of an agreement between the EU and Switzerland amending Annex 11 to the agreement between the EU and Switzerland on trade in agricultural products ([15523/08](#) + [COR 1](#)). This decision is in particular aimed to extend the scope of the current agreement to include pet animals.

EU rules for exports (codified version)

The Council adopted a codified version of regulation 2603/69 laying down common rules for exports in order to supersede the various acts previously incorporated and to render it more clear ([12817/09](#)).

Anti-dumping - Ammonium nitrate from Russia

The Council adopted a regulation amending regulation 661/2008 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia ([13591/09](#)).

ECONOMIC AND FINANCIAL POLICY

Taxation of mergers, divisions, partial divisions - codified version

The Council adopted a directive on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares concerning companies of different member states ([12818/09](#)). The new directive is aimed at codifying directive 90/434. The new legislative act supersedes the various acts incorporated in it, while fully preserving the content of the act being codified.

VAT-exemption on the importation of certain goods - codified version

The Council adopted a directive concerning the exemption from value added tax on the final importation of certain goods on the common system of value added tax ([12820/09](#) + [COR 2](#)). The new directive is aimed at codifying directive 90/434. The new legislative act supersedes the various acts incorporated in it, while fully preserving the content of the act being codified.

EUROPEAN SECURITY AND DEFENCE POLICY

EU military exercise in 2010

The Council approved exercise specifications for the EU military exercise "MILEX 10" which will be conducted in June 2010.

MILEX 10 will exercise and evaluate military aspects of EU crisis management based on a scenario for an EU-led military operation without recourse to NATO common assets and capabilities.

The exercise will concentrate on the interaction between the EU operation headquarters and the EU force headquarters. It requires the deployment of a military force, comprising land, maritime and air components.

On 9 June 2009, the Council approved the EU exercise programme 2010-2014.

DEVELOPMENT COOPERATION

ACP-EU agreement - Observer status - Equatorial Guinea - South Africa

The Council approved the sending of letters to the authorities of Equatorial Guinea ([14288/09](#)) and South Africa ([14290/09](#)), confirming the EU's support for these countries to be granted with an observer status within the ACP/EU joint institutions.

In accordance with the ACP/EU council's rules of procedure, observer status can be granted to a country from the moment it files its application for accession to the ACP/UE agreement.

ENERGY

Statute of the International Renewable Energy Agency

The Council adopted a decision on the signing of the Statute of the International Renewable Energy Agency (IRENA) by the European Union ([13687/09](#)). According to the Statute, the objective of IRENA is to promote the widespread and increased adoption as well as the sustainable use of all forms of renewable energy.

TRANSPORT

Aviation - Comitology procedure

The Council decided not to oppose adoption by the Commission of draft regulations aimed at:

- amending regulation 300/2008 as far as specifications for national quality control programmes in the field of civil aviation security are concerned ([13663/09](#)); and
- setting criteria to allow member states to derogate from the common basic standards on civil aviation security and to adopt alternative security measures ([13664/09](#)).