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THE EUROPEAN UNION**



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Agriculture and Fisheries

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Main results of the Council

The Council took note of an oral report from the Commission on the increasing trend observed on the dairy market.

Without discussion, the Council adopted a regulation extending the "disturbance clause" and changing the quota buying-up schemes for the 2009/2010 and 2010/2011 campaigns.

The Council adopted transitional technical measures and handed over the remainder of the proposal to the Spanish Presidency.

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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 Kris PEETERS

Minister-President of the Flemish Government and Flemish Minister for Economy, Foreign Policy, Agriculture and Rural Policy

Bulgaria:

Mr Miroslav NAYDENOV

Minister for Agriculture and Food

Czech Republic:

Mr Jakub ŠEBESTA

Minister for Agriculture

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 Tony KILLEEN

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

Greece:

Ms Aikaterini 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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State Secretary for Agricultural, Food and Forestry Policy

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Deputy Permanent Representative

Lithuania:

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Luxembourg:

Ms Michèle EISENBARTH

Deputy Permanent Representative

Hungary:

Mr József GRÁF

Minister for Agriculture and Rural Development

Malta:

Ms Theresa CUTAJAR

Deputy Permanent Representative

Netherlands:

Ms Gerda VERBURG

Minister for Agriculture, Nature and Food Quality

Austria:

Mr Walter GRAHAMMER

Deputy Permanent Representative

Pologne:

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

Portugal:

Mr António Manuel SERRANO

Minister for Agriculture, Rural Development and Fisheries

Romania:

Mr Danut APETREI

State Secretary, Ministry for Agriculture, Forestry and Rural Development

Slovenia:

Ms Sonja BUKOVEC

State Secretary at the Ministry of Agriculture, Forestry and Food

Slovakia:

Mr Ján SLABÝ

State Secretary at the Ministry of Agriculture

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

Mr Rolf ERIKSSON

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

Ms Michelle GILDERNEW

Northern Ireland Minister for the Department of Agriculture and Rural Development

Commission:

Mr Joe BORG

Member

Ms Mariann FISCHER BOEL

Member

ITEMS DEBATED

STATE AID IN POLAND FOR THE PURCHASE OF AGRICULTURAL LAND

The Council adopted¹ a decision authorising Poland to prolong the granting of state aids for the purchase of agricultural land beyond 31 December 2009 and until 31 December 2013 ([15668/09](#)).

The total aid for the period 2010-2013 amounts at PLN² 400 million³.

Poland made the following statement:

"The Republic of Poland duly declares that it will annually inform the Council and the Commission of the results of the implementation of the State aid resulting from the Council Decision of 20 November 2009 on the granting of a State aid by the authorities of the Republic of Poland for the purchase of agricultural land between 1 January 2010 and 31 December 2013 as well as present a list of beneficiaries of the measure."

¹ With the Czech, Danish, Estonian, the Netherlands, Slovak, Spanish and United-Kingdom delegations abstaining.

² Poland zloty

³ around EUR 96,75 million

GENETICALLY MODIFIED MAIZE MIR604

The Council noted the absence of the qualified majority necessary to reach a decision in favour of or against a draft decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MIR604 (SYN-IR604-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([15375/09](#)).

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

CONSERVATION OF FISHERIES RESOURCES THROUGH TECHNICAL MEASURES

The Council made substantial progress on a draft regulation on technical measures to better conserve fish stocks, to cut down discards and to protect vulnerable marine habitats on Europe's Atlantic coast and in the North Sea and Skagerrak and Kattegat ([10476/08](#)).

Together with catch and effort limitations, technical measures play a key role in ensuring sustainable fisheries. In particular, they help to protect juvenile fish in order to reduce the threat to future yields.

The Council as agreed to hand over this dossier to the Spanish Presidency, as it will have to be concluded under the co-decision procedure¹.

As Regulation (EC) 850/98 is in force, certain technical measures will continue to apply while the Council did reach political agreement on transitional technical measures for 2010, extending for 18 months the transitional technical measures contained in Annex III to 2009 TACs and Quotas Regulation ([16360/09](#)).

Due to the entry into force of the Lisbon Treaty on 1 December, the proposal will be adopted by written procedure after finalisation by the legal/linguistic experts.

¹ Due to the entry into force of the Lisbon Treaty on 1 December.

EC/NORWAY: ANNUAL CONSULTATIONS FOR 2010

The Council held an exchange of views in preparation for the second round of negotiations with Norway for 2010 which are to take place in Brussels from 30 November to 4 December and should relate to:

- detailed management arrangements for seven¹ shared fish stocks, including the overall TACs and quotas for the respective parties;
- associated management arrangements for the shared fish stocks in the Skagerrak and Kattegat²;
- exchange of fishing opportunities
- technical, control and other measures in fisheries of mutual interest;
- consideration of possible additional discard reduction measures for key fisheries.

The Commission has taken note of the views expressed by member states and will conduct the second round of negotiations as efficiently as possible, in the interest of the community.

¹ North Sea cod (*Gadhus morhua*), haddock (*Melanogrammus aeglefinus*), plaice (*Pleuronectes platessa*), whiting (*Merlangius merlangus*), herring (*Clupea harengus*), mackerel (*Scomber scombrus*) and Northern shelf saithe (*Pollachius virens*).

² Cod, haddock, whiting, plaice, mackerel, shrimp (*Penaeus spp.*), herring and sprat (*Sprattus sprattus*);

FISHING OPPORTUNITIES IN THE BLACK SEA FOR 2010

The Council reached unanimous political agreement on a draft regulation fixing the fishing opportunities in the Black Sea for 2010 ([14074/09](#)).

The Council agreed in particular on:

- a TAC of 96 tonnes¹ - shared equally between Bulgaria and Romania - for **turbot** (*Psetta maxima*), linked with their commitment to establish a common action plan providing benchmarks concerning control measures and inspections to be fulfilled during the first semester of 2010;
- an in-year review clause to allow revisiting the TAC in the light of new scientific information;
- a ban for turbot fishing from 15 April to 15 June, a minimum landing size of 45 cm and the use of a 400 mm minimum legal mesh size for bottom-set nets used to catch turbot;
- a TAC of 12750 tonnes for **sprat** (*Sprattus sprattus*), meaning a roll-over of 2009 TAC;
- A **high-grading ban** for any species subjected to quota (a prohibition to discard species subject to quota that can legally be caught and landed under Community fisheries legislation);
- the promotion of cooperation in fisheries management with **third countries bordering** the Black Sea in bilateral consultations with Turkey and Ukraine and through the appropriate Regional Fisheries Organisation such as General Fisheries Commission for the Mediterranean (GFCM).

Due to the entry into force of the Lisbon Treaty on 1 December, the proposal will be adopted by written procedure after finalisation by the legal/linguistic experts.

¹ 4% reduction from 2009 TAC.

ANY OTHER BUSINESS

(a) Application to the Council concerning the approval of State aid for the purchase of agricultural land

Requested by the Hungarian delegation

The Council took note of the request made by the Hungarian delegation and gave the Special Committee on Agriculture a mandate to examine it at one of its forthcoming meeting ([16153/09](#)).

Hungary requests that the Council supports the prolongation of Hungarian State aids for the purchase of agricultural land beyond 31 December 2009.

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) State aid for the purchase of land

Requested by the Latvian delegation

The Council took note of the request made by Latvia and instructed the Special Committee on Agriculture to examine it at one of its forthcoming meeting ([16025/09](#)).

Latvia requests that the Council endorses the granting of state aids for the partial refund of interest on loans issued for the purchase of agricultural land, until 31 December 2013.

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.

(c) The difficult situation of the market in the pig meat sector

Requested by the Belgian and French delegations

The Council took note of the request made by the Belgian and French delegations, supported by several delegations¹, regarding the situation on the pig meat market ([16138/1/09 REVI](#) + [COR 1](#)).

The Belgian and French delegations called upon the Commission to temporary introduce export refunds for fresh and frozen pig meat.

Malta and the United-Kingdom were opposed to the introduction of such measures at this time.

The Commission representative stated that its services were closely monitoring the market and that additional support measures were not judged relevant at this stage.

(d) Facing the new challenges for forests in Europe - mobilising more wood for all uses, while improving the preservation of the forests

Requested by the French delegation

The Council took note of the views presented by the French delegation, supported by the Austrian, Finnish, German, Irish, Luxembourg, the Netherlands, Portuguese, Slovenian, Spanish, Sweden, and United-Kingdom delegations ([16061/09](#)).

The French delegation wished to ensure that the work to be carried out on forests includes all the new challenges that forestry must confront: mobilising more wood for all uses, while improving forest conservation.

The Council is looking forward to further discussing the issue of forestry in the first half of 2010 when the Commission delivers its Green Paper on forest protection and information.

¹ The Austrian, Cypriot, French, Greek, Hungarian, Irish, Lithuanian, Polish, Portuguese, Romanian and Slovenian delegations.

(e) Electronic identification of sheep and goats

Requested by the Hungarian and Slovak delegations, supported by the Czech delegation

The Council took note of the request made by the Hungarian and Slovak delegations, supported by several delegations¹, to keep electronic identification of sheep and goats optional after 31 December 2009 ([15862/09](#)).

In December 2007 the Council adopted a Regulation to postpone the date of introduction of compulsory electronic identification for sheep and goats - initially scheduled for 1 January 2008 - to 31 December 2009.

The Commission representative, supported by France, Italy and Spain, made it very clear that the measures adopted in 2004 were intended to improve traceability and better prevent the spreading of epidemic animal diseases and will enter into force on 1 January 2010.

(f) The World Trade Organisation (WTO) Ministerial conference

Requested by the French delegation

The Council took note of information provided by the Commission, concerning the WTO Ministerial conference which takes place every second year in Geneva (from 30 November to 2 December) ([16301/09](#)).

¹ The Belgian, Bulgarian, German, Irish, Polish and Romanian delegations. The Austrian and Portuguese delegations called for an appropriate solution without jeopardising the overall purpose of traceability.

(g) Statement on Community action reducing incidental catches of seabirds

Presentation by the Commission

The Council took note of the statement by the Commission on future Community action reducing incidental catches of seabirds and of the delegations comments ([16029/09](#)).

The Commission representative encouraged Member States to implement mitigation measures to avoid incidental catches of seabirds, such as:

- the setting of gear at night,
- the setting of the gear to the side of the vessel,
- the using of bird-scaring lines.

In the spring of 2010 the Commission will launch a study to collect and analyse data on a number of fisheries and their impact on the incidental catch of seabirds following a call for tender. The outcome of this study will be presented at the beginning of 2011.

Seabirds are often caught in the fishing gear and often die. This has been the subject of great concern both at the Community and the global level.

(h) Results of the 21st Session of the ICCAT

Requested by the Italian delegation

The Council took note of the Italian delegation disagreement, supported by Greece and Cyprus, with the recommendations of the 21st Regular Meeting of International Commission for the Conservation of the Atlantic Tuna (ICCAT), which ended on 15 November in Recife (Brazil).

The French, Maltese and Spanish delegations expressed their support to the agreed recommendations.

OTHER ITEMS APPROVED

AGRICULTURE

Obsolete acts removed from current legislation

The Council adopted a regulation repealing certain obsolete acts in the field of the Common Agricultural Policy, thereby removing texts which no longer have real effect from agricultural legislation in force ([13519/09](#)).

Dairy market: Disturbance clause extended to dairy products - Changes to the quota buying-up scheme

The Council adopted a regulation ([15097/09](#)):

- 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;
- 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.

The proposals ([14270/09](#)) follow the European Council conclusions of 30 October 2009 welcoming the initiatives taken by the Commission to stabilise the European dairy market, and encouraging the Council to continue responding to the challenges facing the dairy sector. ([15265/09](#), point 34).

The Commission representative took this opportunity to mention positive news from the dairy market such as the increase of farm gate milk prices, of butter price and skimmed milk powder price, respectively at 29% and 23% above their intervention prices.

Hygiene - Council conclusions

The Council adopted the conclusions set up in document [14299/09](#) + [ADD 1](#).

FISHERIES

Agreement on port state measures

The Council adopted a decision on the signing, on behalf of the European Community, of the agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU fishing), and thus ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems, and the livelihood of legitimate fishers ([15904/09](#)).

Port State measures have been identified as a key tool in the fight of the international community against IUU fishing. This resulted in the adoption of the *Model Scheme on Port State Measures to Combat IUU Fishing* in 2005 by the Food and Agriculture Organisation. This model scheme provided for minimum standards, which supported the adoption of measures of states in order to monitor, control and inspect foreign-flagged fishing vessels wishing to use their harbours. It was a voluntary and non-binding instrument.

The new agreement on port state measures came into being as a result of a need for coordination at regional and interregional levels. It was called on by the international community to create a binding international instrument on minimum standards for port state measures.

Control system for the Common Fisheries Policy

The Council adopted a regulation establishing a modernised system for inspection, monitoring, control, surveillance and enforcement of the rules of the Common Fisheries Policy (CFP) throughout the market chain, "from net to plate" ([13669/09](#) + [COR 1](#) + [15454/09 ADD 1](#) + [ADD 1 REV 2](#)).

The new regulation includes the following provisions:

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 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.

Baltic Sea - Fishing quotas for 2010

The Council adopted a regulation fixing the fishing opportunities and associated conditions applicable for certain Baltic Sea fish stocks for 2010 ([15037/09](#) and [15319/09 ADD1](#)).

The regulation lays down, for 2010, the total allowable catches (TACs) and quotas for certain Baltic Sea stocks, the associated fishing effort for Baltic cod stocks and certain restrictions on the fishing of flounder and turbot .

The main changes in terms of reduction, increase or roll-over of TACs as compared to 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 2009 - 2010
<i>Latin name</i>		TAC 2009	for 2010	for 2010	TAC 2010	
		in tonnes	in tonnes	in %	in tonnes	in %
		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** adopted on 18 September 2007, 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, the regulation **increases** the TAC by **25 %** for the **Eastern Baltic**, **reduces** it by **16,5 %** for the **Western Baltic**, and keeps a **roll-over** in the **Gulf of Riga**.

Measures to limit fishing effort include, in particular:

- a maximum number of days absent from port of **181¹** days in subdivisions 22-24 (Western Baltic) and **160²** days in subdivisions 25-27, i.e. a 10 % reduction in both zones;
- highgrading ban and increased selectivity; and
- the continuation of transitional technical measures prohibiting retention on board of **flounder** and **turbot** during certain periods and in specific subdivisions.

EXTERNAL RELATIONS

EU border assistance mission for the Rafah Crossing Point

The Council adopted a Joint Action extending the mandate of the EU border assistance mission for the Rafah Crossing Point until 24 May 2010. The mission would otherwise expire on 24 November of this year.

¹ Except for April.

² Except for the period from 1 July to 31 August.

BUDGET

EU budget for 2010 - Council's second reading

The Council confirmed the outcome of the conciliation meeting with the European Parliament of 18 November 2009 and formally established its second reading of the EU's draft general budget for 2010 ([16206/09](#))

(see also press release [16014/09](#)).

INTERNAL MARKET

Cosmetic products

The Council adopted a regulation updating the legal framework for cosmetic products in the EU's internal market, following a first-reading agreement with the European Parliament ([3623/09](#) + [COR 1](#) and [12682/1/09 ADD1](#)).

The regulation simplifies the rules and procedures relating to the marketing and safety of cosmetics by grouping the existing 55 directives into a single regulation. The regulation represents a common European code of law on cosmetic products reducing the uncertainties arising from a differentiated implementation of the previous directives in the 27 member states.

European companies are market leaders in cosmetics, and the regulation will enable more streamlined European-wide procedures and safety rules, thereby reducing administrative burdens and costs.

Consumers will benefit through the uniform application of rules, the enhanced coordination of market surveillance activities as well as the reinforcement of responsibilities of economic operators with a view to ensuring a higher level of consumer protection, notably with the introduction of a product information file.

Another advantage to consumers and businesses alike will result from the free movement of cosmetic products resulting from the harmonisation of procedures and technical requirements.

Cosmetic products include make-up products, soaps, bath and shower preparations (salts, foams, oils and gels), perfumes, depilatories, deodorants, hair products (lotions, powders, shampoos, creams and lacquers), creams and emulsions for the skin, face masks, tinted bases, shaving products, lip-sticks and tooth-paste.

INSTITUTIONAL AFFAIRS

EPSO - Council conclusions

The Council adopted the conclusions set up in document [14608/1/09](#).

TELECOMMUNICATIONS

Better regulation directive

The Council adopted the last act of the telecommunications package, a directive which amends three directives forming part of the regulatory framework for e-communications networks and services, i.e. the framework, access and authorisation directives ([3677/09](#)).

The new directive enhances the access to high-speed broadband services in remote regions, provides for a more flexible frequency band use thus making it easier for operators to establish innovative technologies and services, and for the effective management of radio frequencies for electronic communications, since the latter are a public good with an important social, cultural and economic value.

It protects citizens' rights as measures taken by member states regarding internet access to or use of services and applications through electronic communications networks must be in line with the European convention for the protection of human rights and fundamental freedoms.

Moreover, the directive ensures that even disabled users derive maximum benefit in terms of choice, price and quality.

ENERGY

Labelling of tyres

The Council adopted a regulation on the labelling of tyres with respect to fuel efficiency and other essential parameters. The aim of this regulation is to increase the safety and the economic and environmental efficiency of road transport by promoting fuel-efficient and safe tyres with low noise levels. Tyres, mainly because of their rolling resistance, account for 20 % to 30 % of the fuel consumption of vehicles ([14639/09](#) + [ADD 1](#) + [COR 1](#), [15360/09](#) + [ADD 1](#) + [COR 1](#)).

The regulation establishes a framework for the provision of harmonised information on tyre parameters, such as rolling resistance, wet grip and external rolling noise, thus allowing consumers to make an informed choice when purchasing tyres, since a label on tyres will be displayed at the point of sale, as well as in technical promotional material.

This initiative is in line with the revised Commission strategy on CO2 emissions from passenger cars and light commercial vehicles ([12389/06](#)) which sets CO2 target to be achieved through reductions of car emissions, including the promotion of fuel efficient tyres.
