



**COUNCIL OF  
THE EUROPEAN UNION**

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**"I/A" ITEM NOTE**

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from :            Presidency

to :                Permanent Representatives Committee/Council

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*Subject :        Report on proceedings in the Council's other configurations*

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Delegations will find below a list of the most important decisions taken and issues currently under discussion in the Council's other configurations. This document should enable delegations to draw the Presidency's attention to any point which they believe has implications for the proper organisation of proceedings in the areas covered.

## **TRANSPORT, TELECOMMUNICATIONS AND ENERGY**

At its **meeting on 27 November 2008**, dedicated to telecommunications issues only, the Council discussed i.a.:

### Review of the EU regulatory framework for electronic communications

*The Council reached political agreement on the legislative package aiming at a review of the EU regulatory framework for electronic communications networks and services, with the Swedish, British and Dutch delegations abstaining. This package is made up by a proposal for a Better Regulation Directive, a proposal for a citizens' rights Directive and a proposal for a Regulation establishing the European Electronic Communications Market Authority.*

### Amendment to the roaming Directive

*Pending the European Parliament's first reading opinion, the Council agreed on a general approach on a proposal for a Regulation amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community. The proposal provides for a three-year extension to the Regulation currently in force which is due to expire in 2010, a further reduction in charges and an extension of pricing limits to cover SMS and data services in addition to voice calls.*

## **AGRICULTURE AND FISHERIES**

At its **meeting on 28 November 2008**, the Council discussed i.a.:

### Food distribution to the most deprived people in the Community

*The Council held a policy debate on a proposal for a Regulation to optimise the current system of food distribution to the most deprived persons in the Community. In 2008 19 Member States took part in this optional programme. In 2009 the programme will continue under the existing legal framework with a budget of EUR 500 million.*

## JUSTICE AND HOME AFFAIRS

At its meeting on 27 and 28 November 2008, the Council discussed i.a.:

### Mumbai/Bombay attacks

*Ministers reviewed the situation in Mumbai following the terrorist attacks on 26 November. They strongly condemned the attacks, offered their condolences to the families and relatives of the victims, and expressed their solidarity with the Indian authorities and the authorities of Maharashtra. In this context, Ministers also discussed the measures put in place by Member States to provide assistance to all the victims and, in particular, to the European citizens affected.*

### Combating terrorism

*The Council adopted conclusions on further action to combat terrorism, inviting Member States to pursue their ongoing work in the field of radicalisation, in particular through the "check the web" project led by Germany and five other anti-radicalisation work streams led by other Member States. The conclusions also stressed the importance of implementing the necessary legal instruments to counter terrorism, of carrying out work on the security of explosives, and the need to make full use of the potential of Europol and Eurojust in this field.*

*The Commission was invited to continue to play its part, in particular by encouraging the exchange of best practice, new research work against financing of terrorism, and developing its package of CBRN measures due in June 2009. Europol is similarly invited to continue its work, in particular on explosives, including CBRN and mine clearance, and the information portal of the "check the web" project.*

### Civil protection

*The Council took note of the Presidency's general report on the EU's ability to prevent and respond to disasters, together with a roadmap for future action. The Council adopted three sets of conclusions, on mutual assistance, training, and cooperation between the European Union and the United Nations. Furthermore, it adopted conclusions calling for civil protection capabilities to be enhanced by a European mutual assistance system building on the civil protection modular approach as well as on European disaster management training. The Commission was requested to submit proposals by the end of 2009.*

### European Passenger Name Record system

*On the basis of a Presidency report on the thematic work carried out on a PNR system, the Council concluded that the working method followed had resulted in a clearer vision of the practical scope of a possible European PNR system. Council preparatory bodies were instructed to examine all the outstanding issues while the dialogue with the EP and the national parliaments as well as with the economic operators concerned continues.*

### Global approach to the migration issues

*The Presidency presented the results of the second Euro-African ministerial conference on migration and development, held in Paris on 25 November 2008. The Council welcomed the final declaration of that conference, which provides for a three-year cooperation programme setting precise areas for action and operational measures for the period 2009-2011, centring on the three aspects of the action plan: legal migration, combating illegal immigration, and migration and development. In this context, the Council adopted conclusions assessing the implementation of the global approach to the migration issue and the partnership with countries of origin and transit.*

### Integration

*The Council adopted conclusions emphasising the importance the Union attaches to the development of a coherent integration policy. These conclusions identify a series of priority areas for future action such as the promotion of European values, the integration process, access to employment, the integration of women and the education of children, intercultural dialogue, and integration policy governance.*

### Single residence and work permit for non-European citizens

*The Council took stock of progress on a proposal establishing a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.*

*The next presidency was instructed to continue discussions, with a view to adoption of the proposal as soon as possible.*

### Reception of Iraqi refugees

*The Council adopted a set of conclusions based on the Commission report on a mission in Syria and Jordan to examine the possibilities for the resettlement of Iraqi refugees in Member States willing to receive them. The Council emphasised again that the main objective is to create the conditions in which displaced persons inside Iraq and refugees in neighbouring countries can return safely to their homes, while ensuring that the human rights of all Iraqis are protected and defended. The Commission was invited to report to the Council at the beginning of 2009 on the information gathered from Member States on the basis of these conclusions.*

### Abuses and misuses of the right to free movement of persons

*The Council adopted conclusions underlining the importance which Member States attach to protecting the right to free movement from the abuses created inter alia by illegal immigration. The Council recalled that the right of free movement within the European Union is one of the main principles on which the Union is based, for the benefit of European citizens, Member States and the competitiveness of the European economy and it emphasised its commitment to developing the Union as an area of freedom, security and justice, of which the fight against crime constitutes an essential aspect.*

### European judicial network in civil and commercial matters

*The Council reached agreement on a Decision establishing a European Judicial Network in civil and commercial matters, intended to modernise the network and to increase the resources available to the contact points. It is the only operational tool for cooperation in the civil judicial area.*

### European E-Justice Action Plan

*The Council adopted a European e-Justice action plan which aims to lend structure to work in this area, by entrusting the Commission with the task of setting up a European "e-Justice" portal and managing horizontal issues (technical standards, security, etc), and by setting priorities for its implementation.*

### Child abduction alert

*The Council adopted conclusions calling on Member States to introduce and develop national mechanisms for alerting the general public to the criminal abduction of children and to define the national implementing arrangements ensuring cross-border alerts are triggered. In introducing and developing such arrangements, Member States should take as a basis the good practices established by the European Commission.*

## **COMPETITIVENESS (Internal market, industry and research)**

At its **meeting on 1 and 2 December 2008**, the Council discussed i.a.:

### "Small Business Act" for Europe

*The Council adopted conclusions on the Communication "Think Small First" - A "Small Business Act for Europe" It stressed i.a. the fundamental role of SMEs in contributing to economic growth and job creation in Europe and the need to fully exploit the potential of SMEs. An action plan was annexed to the conclusions, listing a number of short and medium-term measures concentrating on three priorities: improving SME access to finance, simplifying the regulatory environment for SMEs and enhancing market access for SMEs. Furthermore the Council noted with interest the Commission's intention to allow Member States to adopt less burdensome accounting and auditing requirements for micro-firms, and looks forward to a Commission proposal in early 2009, based on a specific impact assessment.*

### European Private Company

*The Council examined a progress report on the proposal for a Regulation on the statute for a European private company (SPE). This proposal is part of a package of measures contained in the "Small Business Act for Europe" and provides for the establishment and functioning of the European private company. Discussions focused on the following key aspects: the applicable law, the cross-border element, share capital, compliance control, provisions on the company's registered office, liability of directors, and employee participation.*

### Clusters in Europe

*The Council adopted conclusions on the Commission communication entitled "Towards world-class clusters in the European Union: implementing the broad-based innovation strategy". In this context, it stressed that the development of clusters should be market-driven and consequently underlined the crucial importance of a fully-functioning internal market for the competitiveness and excellence of clusters in the European Union. The Council invited the Commission and the future European Cluster Policy Group to monitor the instruments and programmes mentioned in the conclusions, to assess their impact on European cluster policies and to carry out a review of European cluster policies by the end of 2010 in close cooperation with Member States.*

### "2020 Vision" for the European Research Area

*The Council adopted conclusions following an exchange of views on the launch of the "Ljubljana Process – towards full realisation of the European Research Area", reaffirming i.a. the importance of strengthening scientific and technological bases across Europe and developing Europe's competitiveness in pursuit of sustainable development including protection of the environment. In this context, the Council invited the Commission to propose by the end of 2009 a limited number of monitoring indicators and evaluation criteria to measure progress made in achieving the "2020 Vision for the ERA".*

### Joint programming of research

*The Council adopted conclusions following a debate on the framework conditions for the development of joint programming of research in order to tackle Europe's major societal challenges and on the criteria which need to be used to identify areas for joint programming. In this context, the Council emphasised the need to analyse the relevance and potential of existing regional, national, Community and intergovernmental instruments for meeting the identified societal challenges. It invited the Commission to carry out such an examination in close cooperation with the other stakeholders and provide input on the most appropriate instruments to meet these challenges.*

## Global monitoring for environment and security (GMES)

*The Council adopted the conclusions on the implementation of the Global Monitoring for Environment and Security (GMES) programme. It welcomed the overall GMES governance and management scheme proposed in the Commission Communication and stressed the necessity to rapidly assess the need for and, if appropriate, define the role and functionalities covered by the different bodies proposed in this GMES governance and management scheme and their links and dependencies. The Council asked the Commission to report in the first half of 2009 on progress on preparing a legislative proposal for a GMES Programme.*

## **ECONOMIC AND FINANCIAL AFFAIRS**

At its **meeting on 2 December 2008**, the Council discussed i.a.:

### Preparation of the December meeting of the European Council

*Ministers discussed and welcomed the Commission communication on a "European Economic Recovery Plan" with a view to preparing the discussions at the European Council on 11-12 December. In this context, they agreed that a package in the magnitude of 1.5% of GDP would provide a significant stimulus to European economies. As regards responses to the financial crisis, the Council specifically emphasised the need to establish, without delay, national schemes to support the banking sector, in respect of guarantees and recapitalisation plans. It also emphasised the need to pursue vigorously the work to enhance financial stability and to improve the European supervisory and regulatory framework, amending and updating the existing ECOFIN roadmaps where necessary implement fully the ECOFIN roadmap on action in response to the financial crisis and noted that adoption of the two directives improving EU-wide supervision of financial undertakings should be completed before the end of the current Parliament mandate. Lastly, the Council agreed to undertake work so as to ensure that EU positions on a renewed international financial architecture are well founded and reflected in the months ahead in the preparation for the next international summits following the Washington summit on 15 November.*

### Reduced VAT rates

*The Council examined a draft Directive revising the rules on reduced rates of VAT (value-added tax). The Presidency noted that there was no unanimous agreement on the proposed compromise at this stage. It pointed out that the proposed Directive was an element in the responses to the economic slowdown identified in the Commission communication to the European Council and would therefore be one of the measures raised at the next European Council.*

### Taxation of savings

*The Council addressed the issue of the taxation of savings income and adopted conclusions welcoming the proposal for a Directive submitted by the Commission and calling for rapid progress of the discussions on the proposal. It invited the Commission to continue its negotiations and exploratory talks with financial centres outside the European Union and requested the future Presidency to report back to it on progress in the spring of 2009.*

### Harmful tax competition - code of conduct

*The Council adopted the work programme of the Code of Conduct Group (Business Taxation) for the next 18 months. After a brief exchange of views, it adopted conclusions noting the progress achieved by this Group during the French Presidency and asking the Group to continue monitoring standstill and the implementation of rollback. The Council invited the Group to report on its work to the Council before the end of the Czech Presidency.*

## ENVIRONMENT

At its **meeting on 4 December 2008**, the Council discussed i.a.:

### Legislative package on climate change

*On the basis of a report from the Presidency on the state of play, and with a view to the ongoing negotiations with the European Parliament and the deliberations of the European Council, the Council held a debate on the legislative package on energy and climate change.*

### Global mercury challenges

*With a view to the 25th session of the UNEP Governing Council in February 2009, the Council adopted conclusions in which it expresses its support for a multilateral environmental agreement aimed at reducing risks to human health and the environment caused by mercury. The Council emphasised that such a comprehensive agreement should consider the whole life cycle of mercury and include a range of actions such as reducing the supply of mercury and the international trade in mercury, reducing atmospheric emissions of mercury, sound management of mercury-containing waste and finding sound storage solutions for mercury.*

### Sustainable consumption and production and sustainable industrial policy action plan

*The Council discussed priority measures to be taken as part of the action plan proposed by the Commission, the compatibility of lifestyles in the EU with sustainable development and the possibility of carbon content display on products, and adopted conclusions on sustainable consumption and production.*

### Genetically modified organisms

*The Council adopted conclusions in which it i.a. emphasises the need to improve harmonisation of the Member States' assessment practices and welcomed the Commission's mandate to the EFSA to undertake a revision exercise started in March 2008 and to be completed no later than March 2010 regarding its guidelines on environmental risk assessment. It also welcomed the Commission's intention to give normative status to the revised version of the guidelines to be adopted.*

## Deforestation and forest degradation

*The Council adopted conclusions entitled "Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss". In these conclusions, the Council expresses its support for the aim put forward by the Commission to halt global forest cover loss by 2030 at the latest and to reduce gross tropical deforestation by at least 50% by 2020 compared to current levels. In particular it stressed the need for the EU to support developing countries in building capacity, strengthening forest governance and addressing knowledge gaps.*

## **TRANSPORT, TELECOMMUNICATIONS AND ENERGY**

At its **meeting on 8 and 9 December 2008**, the Council discussed i.a.:

### **Energy**

#### Energy security

*On the basis of the Commission's Second Strategic Energy Review submitted in November 2008, the Council held a policy debate on energy security, focusing on infrastructure, solidarity, dialogue with third countries and energy efficiency. The Council also took note of explanations given by the President of the European Investment Bank on the funding planned by the EIB in the areas of renewable energy, energy efficiency, research into new energy technologies and energy security.*

#### Energy efficiency

*Pending the European Parliament's first reading opinion, the Council agreed on a general approach on a proposal aimed at recasting the eco-design Directive. The proposal aims to extend the scope of the Framework Directive 2005/32/EC to cover the eco-design of all energy-related products. In its current version, the eco-design Directive applies only to energy-using products.*

### Legislative package on energy and climate change

*On the basis of a report from the Presidency on progress made, the Council had a debate on the legislative package and in particular on the proposed Directive on the promotion of the use of energy from renewable sources.*

## **Transport**

### Extending the tasks of the European Aviation Safety Agency

*The Council agreed on a partial general approach on a proposal for a Regulation amending Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. The aim of the proposed Regulation is to improve the safety of aerodromes, air traffic management and air navigation services.*

### Aviation agreements with Tunisia and Algeria

*The Council adopted two Decisions authorising the Commission to open negotiations with Tunisia and Algeria with a view to establishing Euro-Mediterranean agreements on air services with each of the two countries. The agreements aim to promote the harmonisation of laws and establish cooperation as regards safety, security and environmental standards. They will also seek to bring about the gradual opening-up of markets between the EU and the two countries.*

### Greening of transport

*The Council adopted conclusions on the greening of transport, a strategy for the internalisation of external costs and rail noise abatement measures addressing the existing fleet.*

## **EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS**

At its **meeting on 16 and 17 December 2008**, the Council discussed i.a.:

### **Health**

#### Patients' rights in cross-border healthcare

*The Council held a policy debate on the proposed Directive on the application of patients' rights in cross-border healthcare on the basis of a progress report. The aim of the proposal is to establish a general framework for the provision of safe, high quality and efficient cross-border healthcare.*

#### Neuro-degenerative diseases

*The Council adopted conclusions on public health strategies to combat neurodegenerative diseases associated with ageing and in particular Alzheimer disease. The Council i.a. calls on the Member States and the Commission to recognize that these diseases constitute a priority for action in the context of the ageing of the EU's population and calls in particular on the Commission to adopt by 2009 an initiative to combat these diseases in the framework of the White Paper entitled "Together for Health: a Strategic Approach for the EU 2008-2013.*

### **Employment and Social Policy**

#### Social impact of the crisis

*On the basis of a Presidency questionnaire, the Council held a debate on the social impact of the crisis, the employment situation and monitoring of the implementation of the Social Agenda, focusing on short term measures against unemployment, on the link between short term response and the continuation of medium term labour market reforms as well as on the improvement of coordination under the renewed social agenda.*

### Directive on the organisation of working time

*The Council took note of a brief report from the Presidency on the outcome of the European Parliament's second reading on the proposed Directive on working time. Since the European Parliament did not accept the Council's common position adopted on 15 September 2008, an agreement needs to be found in the framework of the conciliation procedure. The main differences between the Parliament's second reading opinion and the Council's common position concern the on-call time, the opt-out clause and compensatory rest.*

### European Works Council

*The Presidency briefed the Council on the agreement on the recast of the Directive on European Works Councils reached between the Council and the European Parliament at first reading. The new Directive aims to replace and update Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purpose of informing and consulting employees.*

### Coordination of social security systems

*The Council adopted common positions on two draft Regulations which complement the basic Regulation (EC) No 883/2004 on the coordination of social security systems. The first of these is a regulation laying down the procedure for implementing the basic Regulation and the second deals with the content of the annexes to the basic Regulation.*

### Maritime Labour Convention

*The Council reached political agreement on a proposal for a Directive implementing the agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Marine Labour Convention, adopted by the International Labour Organisation in 2006. Its main objective is to improve seafarers' working conditions by setting minimum standards for recruitment, accommodation and social protection, thus increasing the attractiveness of maritime labour for European seamen.*

## Beijing Platform

*The Council adopted conclusions on the review of the implementation by Member States and the EU Institutions of the Beijing Platform for Action, and in particular the indicators concerning women and armed conflicts and the reconciliation of work and family life.*

## **AGRICULTURE AND FISHERIES**

At its **meeting on 18 and 19 December 2008**, the Council discussed i.a.:

### Residue limits in foods of animal origin

*The Council adopted its common position on the proposal for a Regulation laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin. The provisions envisaged aim to guarantee a high level of protection of public health and to increase the availability of veterinary medicinal products.*

### School fruit

*The Council adopted a Regulation on the setting up of a school fruit and vegetables scheme. 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. The Community aid is fixed at EUR 90 million per school year. The Community co-financing rate is 50% and 75% in convergence regions.*

### TACs and Quotas for 2009

*The Council reached, by unanimity, political agreement on a regulation fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limits are required.*

## TRANSPORT, TELECOMMUNICATIONS AND ENERGY

*At its extraordinary **meeting on 12 January 2009**, convened by the Presidency following the interruptions of gas supplies from Russia via the Ukraine to the EU, the Council discussed concrete measures to be taken and adopted conclusions setting out these measures. It agreed to review the situation and progress made and to decide on further concrete medium and long-term measures envisaged in the 2<sup>nd</sup> Strategic Energy Review as well as in the Council conclusions. It also invited the Commission to report on the progress reached at the Energy Council to be held on 19 February 2009 in order for the Spring European Council to agree on the necessary responses on energy security.*

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