



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 January 2010

5474/10

PUBLIC 1

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS NOVEMBER 2009

This document consists of the following:

- ANNEX I containing a list of acts adopted by the Council in November 2009.^{1 2}
- ANNEX II containing further details on the adoption of these acts. PART I provides information on the adoption of legislative acts, such as the date of adoption, the relevant Council session, the number of the document adopted, and where appropriate, applicable voting rules, voting results, explanations of vote and statements published in the minutes of the Council. PART II provides information that the Council has decided to make public on the adoption of other acts.

This document is also available via the Internet (<http://consilium.europa.eu>); see under "Documents", "Legislative Transparency", "Summary of Council Acts". Documents listed in the summary may be obtained from the public register of Council documents ([Access to Council documents: Public Register](#)).

¹ With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

² In the case of legislative acts adopted in codecision, there may be a difference between the date of the Council's meeting where the legislative act is adopted and the actual date of the act in question, since legislative acts in codecision are only considered to have been adopted after signature by both the President of the Council and the President of the European Parliament and the Secretaries-General of the two Institutions.

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. These are available via the Internet (<http://consilium.europa.eu>); see under "Documents", "Legislative Transparency", "Council Minutes".

**LIST OF ACTS ADOPTED BY THE COUNCIL
IN NOVEMBER 2009**

2972nd meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS), held in Brussels on 10 November 2009

2009/831/EC: Council Decision of 10 November 2009 authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie

OJ L 297, 13.11.2009, p. 9–11

Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (Text with EEA relevance)

OJ L 335, 17.12.2009, p. 1–155

Directive 2009/139/EC of the European Parliament and of the Council of 25 November 2009 on statutory markings for two- or three-wheel motor vehicles (Text with EEA relevance)

OJ L 322, 9.12.2009, p. 3–11

2009/832/EC: Council Decision of 10 November 2009 on the procedure concerning derogations from the rules of origin set out in the Origin Protocols annexed to Economic Partnership Agreements with ACP States, and repealing Decision 2000/399/EC

OJ L 297, 13.11.2009, p. 12–13

Council Decision on the conclusion of an Agreement in the form of a Protocol between the European Community and its Member States and the Republic of Lebanon establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part

14131/09 + REV 1 (en, fr)

Council Decision on the conclusion of an Agreement in the form of a Protocol between the European Community and the Republic of Tunisia establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part

14077/2/09 REV 2

European Union's common position for the 32nd meeting of the EEA Council

15161/09

Council Joint Action 2009/834/CFSP of 10 November 2009 amending Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre

OJ L 297, 13.11.2009, p. 18–18

Council Decision on the signing, on behalf of the Community, and provisional application of the Agreement between the European Community and the Hashemite Kingdom of Jordan on Scientific and Technological Cooperation

11790/09

Council Conclusions on the Report by the European Nuclear Safety Regulators Group

14471/09

Council Decision on the participation of the European Community in negotiations under the Montreal Protocol on substances that deplete the ozone layer

13745/09

Council Conclusions on the long-term sustainability of public finances in the EU

15127/09

Council Conclusions on Better regulation - Reduction of administrative burdens

15130/2/09 REV 2

Council Conclusions on EU Statistics

15824/09

Written procedure completed on 13 November 2009

European Union's position for the eighth Association Council meeting (Brussels, 16 November 2009)

15502/09 + COR 1

2973rd meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Brussels on 16 November 2009

Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty

OJ L 324, 10.12.2009, p. 23–57

Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides (Text with EEA relevance)

OJ L 324, 10.12.2009, p. 1–22

Council Conclusions on Integrated Maritime Policy

15175/1/09 REV 1

Council Conclusions on Freedom of Religion or Belief

15510/09

Council Decision on a Community Position concerning the Rules of Procedure of the Joint CARIFORUM-EC Council, the Trade and Development Committee and the Special Committees provided for by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part

14871/09

Council Decision on a Community Position concerning participation in the CARIFORUM-EC Consultative Committee provided for by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, and on the selection of the representatives of organisations located in the EC Party
14872/09

Council Decision approving the conclusion, by the Commission, of the Agreement for cooperation between the European Atomic Energy Community and the Government of the Federative Republic of Brazil in the field of fusion energy research
14268/09

Council Decision on the signing and conclusion of a voluntary partnership agreement between the European Community and the Republic of Ghana on forest law enforcement, governance and trade in timber products into the Community
14190/09 + COR 1 (fr)

Council Conclusions on Application by the Republic of Albania for membership of the European Union
15532/09

2974th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Brussels on 16 and 17 November 2009

Council Conclusions on the Annual Report 2009 on the European Community's Development and External Assistance Policies and their Implementation in 2008
16078/09

Council Conclusions on Progress on the European Programme for Action to Confront HIV/AIDS, Malaria and Tuberculosis through External Action (2007-2011)
16076/09

Council Conclusions on Democracy Support in the EU's External Relations – Towards Increased Coherence and Effectiveness
16081/09

Council Conclusions on Policy Coherence for Development (PCD)
16079/09

2009/989/EC, Euratom: Decision of the Council and of the Commission of 17 November 2009 on the conclusion of a Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part
Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part
OJ L 350, 29.12.2009, p. 1–51

2009/990/EC, Euratom: Council and Commission Decision of 17 November 2009 on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union
OJ L 350, 29.12.2009, p. 52–56

Council Decision 2009/840/CFSP of 17 November 2009 implementing Common Position 2007/140/CFSP concerning restrictive measures against Iran
OJ L 303, 18.11.2009, p. 64–69

Council Regulation implementing Article 7(2) of Regulation (EC) N°423/2007 concerning restrictive measures against Iran
14386/09 + COR 1 + COR 2 + ADD 1 REV 2

Council Conclusions on Belarus
15593/09

Council Conclusions on ESDP
16500/09

Council Decision concerning the conclusion of the Agreement between the European Union and the Dominican Republic on the participation of the Dominican Republic in the European Union military operation in Bosnia and Herzegovina (Operation ALTHEA)
15053/09 + COR 1 (sl)

Council Joint Action 2009/842/CFSP of 17 November 2009 amending Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)
OJ L 303, 18.11.2009, p. 71–71

Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund in 2010, including the first instalment for 2010
15445/09

Council Conclusions on an Operational Framework on Aid Effectiveness
15912/09

Council Conclusions on Climate Change and Development
16071/09

2976th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Brussels on 20 November 2009

Council Regulation (EC) No 1139/2009 of 20 November 2009 repealing certain obsolete Council acts
OJ L 312, 27.11.2009, p. 1–3

Council Regulation (EC) No 1128/2009 of 20 November 2009 repealing certain obsolete Council acts in the field of the common agricultural policy
OJ L 310, 25.11.2009, p. 1–2

Council Regulation (EC) No 1140/2009 of 20 November 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)
OJ L 312, 27.11.2009, p. 4–5

Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006
OJ L 343, 22.12.2009, p. 1–50

Council Regulation (EC) No 1226/2009 of 20 November 2009 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010
OJ L 330, 16.12.2009, p. 1–9

Common Position (EC) No 18/2009 of 20 November 2009 adopted by the Council, acting in accordance with the procedure referred to in Article 251 of the Treaty establishing the European Community, with a view to the adoption of a Regulation of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other essential parameters Text with EEA relevance
OJ C 298E , 8.12.2009, p. 1–15

Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (Text with EEA relevance)
OJ L 337, 18.12.2009, p. 37–69

Regulation of the European Parliament and of the Council on cosmetic products (recast) (Text with EEA relevance)
PE-CONS 3623/5/09 REV 5

2010/10/EC: 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
OJ L 4, 8.1.2010, p. 89–90

Council Conclusions on the Report from the Commission to the Council and the European Parliament on the experience gained from the application of the hygiene Regulations 14299/09 + ADD 1 + ADD 1 REV 1 (fi)

Council Conclusions on Special Report No. 9/2009 of the European Court of Auditors "concerning the efficiency and effectiveness of the personnel selection activities carried out by the European Personnel Selection Office

14608/1/09 REV 1 + REV 1 COR1 (de) + REV 1 COR 2 (cs) + REV 2 (mt)

Council Joint Action 2009/854/CFSP of 20 November 2009 amending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)

OJ L 312, 27.11.2009, p. 73–73

Council 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

15159/09 + COR 1

2977th meeting of the Council of the European Union (ENVIRONMENT), held in Brussels on 23 November 2009

Council Decision on a Community Position concerning the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators provided for by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part

14870/09

Adoption of legislative acts following the European Parliament's second reading under the co-decision procedure (Strasbourg, 23 to 26 November 2009)

Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (Text with EEA relevance)

OJ L 342, 22.12.2009, p. 46–58

2978h meeting of the Council of the European Union (EDUCATION, YOUTH and CULTURE), held in Brussels on 26 and 27 November 2009

Council Directive 2009/143/EC of 26 November 2009 amending Directive 2000/29/EC as regards the delegation of the tasks of laboratory testing

OJ L 318, 4.12.2009, p. 23–24

Directive of the European Parliament and of the Council on certain components and characteristics (codified version)

PE-CONS 3678/09

Directive 2009/142/EC of the European Parliament and of the Council of 30 November 2009 relating to appliances burning gaseous fuels (Text with EEA relevance)

OJ L 330, 16.12.2009, p. 10–27

Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (Text with EEA relevance)

OJ L 330, 16.12.2009, p. 28–36

Directive of the European Parliament and of the Council on the conservation of wild birds (codified version)

PE-CONS 3681/09

Regulation of the European Parliament and of the Council laying down general rules for the granting of Community financial aid in the field of trans-European networks (codified version)

PE-CONS 3682/1/09 REV 1

Council Decision on the European Year of Voluntary Activities Promoting Active Citizenship (2011)

15658/09 + REV 1 (mt) + REV 2 (fi)

Council Decision authorising the Commission to open negotiations with the EFTA States, the participants in the Barcelona Process, the participants in the Stabilisation and Association Process and the Faeroe Islands on the regional convention on pan-Euro-Mediterranean preferential rules of origin

15410/09 + COR 1 (fi) + REV 1 (sk)

2009/904/EC: Council Decision of 26 November 2009 on the position to be taken by the European Community regarding the renegotiation of the Monetary Agreement with the Republic of San Marino

OJ L 322, 9.12.2009, p. 12–13

2009/895/EC: Council Decision of 26 November 2009 on the position to be taken by the European Community regarding the renegotiation of the Monetary Agreement with the Vatican City State

OJ L 321, 8.12.2009, p. 36–37

Council Decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities

15540/09 + COR 1 (fi)

Council Conclusions of 26 November 2009 on the professional development of teachers and school leaders

OJ C 302, 12.12.2009, p. 6–9

Council Conclusions of 26 November 2009 on the education of children with a migrant background

OJ C 301, 11.12.2009, p. 5–8

Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 26 November 2009 on developing the role of education in a fully-functioning knowledge triangle

OJ C 302, 12.12.2009, p. 3–5

Council Conclusions of 27 November 2009 on promoting a Creative Generation: developing the creativity and innovative capacity of children and young people through cultural expression and access to culture

OJ C 301, 11.12.2009, p. 9–11

Council Conclusions of 27 November 2009 on media literacy in the digital environment

OJ C 301, 11.12.2009, p. 12–12

Council Resolution of 27 November 2009 on a renewed framework for European cooperation in the youth field (2010-2018)

OJ C 311, 19.12.2009, p. 1–11

Written procedure completed on 27 November 2009

Council Regulation establishing transitional technical measures from 1 January 2010 to 30 June 2011

16470/09 + COR 1

Written procedure completed on 27 November 2009

Council Regulation fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2010

16354/09 + COR 1 (bg) + COR 2 (ro)

2979th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 30 November 2009

Council framework Decision 2009/905/JHA of 30 November 2009 on Accreditation of forensic service providers carrying out laboratory activities

OJ L 322, 9.12.2009, p. 14–16

Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA

OJ L 321, 8.12.2009, p. 44–46

Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

OJ L 328, 15.12.2009, p. 42–47

Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes

OJ L 323, 10.12.2009, p. 20–30

Council Decision amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS)

16142/09 + COR 1 (ro)

2009/914/EC: Council Decision of 30 November 2009 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS)

OJ L 323, 10.12.2009, p. 6–8

2009/915/EC: Council Decision of 30 November 2009 amending Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, SISNET

OJ L 323, 10.12.2009, p. 9–10

Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

OJ L 336, 18.12.2009, p. 1–3

Council Conclusions on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union - an EU CBRN Action Plan

15505/1/09 REV 1 + REV 1 COR1 + REV 1 COR 2 + REV 2 (sl)

Council Conclusions on a Community framework on disaster prevention within the EU

15394/09 +REV 1 (sv) + REV 2 (sl)

2009/942/EC: Council Decision of 30 November 2009 amending Decision 2006/325/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

OJ L 331, 16.12.2009, p. 24–25

2009/943/EC: Council Decision of 30 November 2009 amending Decision 2006/326/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters

OJ L 331, 16.12.2009, p. 26–27

2009/941/EC: Council Decision of 30 November 2009 on the conclusion by the European Community of the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations

OJ L 331, 16.12.2009, p. 17–18

2009/940/EC: Council Decision of 30 November 2009 on the signing by the European Community of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007

OJ L 331, 16.12.2009, p. 1–3

Council Conclusions on a European system for forensic drug profiling
15876/09 + REV 1 (et)

Council Resolution of 30 November 2009 on the exchange of DNA analysis results
OJ C 296, 5.12.2009, p. 1–3

Council Decision 2009/949/JHA of 30 November 2009 adjusting the basic salaries and allowances applicable to Europol staff
OJ L 328, 15.12.2009, p. 48–49

Council Decision 2009/968/JHA of 30 November 2009 adopting the rules on the confidentiality of Europol information
OJ L 332, 17.12.2009, p. 17–22

Council Decision 2009/936/JHA of 30 November 2009 adopting the implementing rules for Europol analysis work files
OJ L 325, 11.12.2009, p. 14–22

Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information
OJ L 325, 11.12.2009, p. 6–11

Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements
OJ L 325, 11.12.2009, p. 12–13

Council Decision 2009/933/CFSP of 30 November 2009 on the extension, on behalf of the European Union, of the territorial scope of the Agreement on extradition between the European Union and the United States of America
OJ L 325, 11.12.2009, p. 4–5

Council Conclusions on the strengthening of the fight against drug trafficking in West Africa
16451/09

Council Conclusions on model provisions, guiding the Council's criminal law deliberations
16542/2/09 REV 2 + REV 3 (sv) + REV 4 (fi)

Resolution of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (Text with EEA relevance)
OJ C 295, 4.12.2009, p. 1–3

Council Conclusions on Labour Migration and its Development Potential in the Age of Mobility
15823/09

Council Conclusions on Migration for Development
15806/09

Council Conclusions on Mobility Partnerships as a tool of the Global Approach to Migration
15811/09

Joint Declaration on a Mobility Partnership between the European Union and Georgia
16396/09 + ADD 1

2009/896/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver
OJ L 321, 8.12.2009, p. 38–38

2009/897/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver
OJ L 321, 8.12.2009, p. 39–39

2009/898/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and Barbados on the short-stay visa waiver
OJ L 321, 8.12.2009, p. 40–40

2009/899/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver
OJ L 321, 8.12.2009, p. 41–41

2009/900/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver
OJ L 321, 8.12.2009, p. 42–42

2009/901/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver
OJ L 321, 8.12.2009, p. 43–43

Council Conclusions on an Information Management Strategy for EU internal security
16637/09

Council Decision on the signing, on behalf of the European Community, and provisional application of the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013
15954/09

Council Decision providing macro-financial assistance to Serbia
15803/09

Council Decision providing macro-financial assistance to Bosnia and Herzegovina
15802/09

Council Decision providing macro-financial assistance to Georgia
15660/09

Council Decision providing macro-financial assistance to Armenia
15661/09

Council Decision concerning the conclusion of the Agreement between Australia and the European Union on the security of classified information
14683/09 + REV 1 (mt)

Council Regulation (EC) No 1197/2009 of 30 November 2009 amending Regulation (EC) No 2115/2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation
OJ L 322, 9.12.2009, p. 1–2

2009/947/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Government of the Republic of Azerbaijan on certain aspects of air services
OJ L 328, 15.12.2009, p. 39–39

2009/974/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Government of Mongolia on certain aspects of air services
OJ L 336, 18.12.2009, p. 4–4

Council Decision on the signing, on behalf of the European Community, of the Agreement between the European Community and the Government of Japan on cooperation in science and technology
13753/09 + COR 1 + COR 2 (es) + COR 3 (hu) + COR 4 (bg) + COR 5

Council Conclusions on SIS II
16909/09

Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters
15921/09

Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program
16110/09 + COR 1 (fr) + COR 2 (hu) + COR 3 (el) + COR 4 (ee, es, cz) + REV 1(fi)

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS SEPTEMBER 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>2972nd meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS), held in Brussels on 10 November 2009</p> <p>2009/831/EC: Council Decision of 10 November 2009 authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie</p> <p>Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (Text with EEA relevance)</p> <p>Directive 2009/139/EC of the European Parliament and of the Council of 25 November 2009 on statutory markings for two- or three-wheel motor vehicles (Text with EEA relevance)</p> <p>2973rd meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Brussels on 16 November 2009</p>	<p>12263/09</p> <p>PE-CONS 3643/6/09 REV 6</p> <p>PE-CONS 3635/1/09 REV 1</p>	<p>Qualified majority</p> <p>Qualified majority</p> <p>Qualified majority</p>	<p>All Member States in favour</p> <p>All Member States in favour</p> <p>All Member States in favour</p>

**INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS
SEPTEMBER 2009**

TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (codified version)	12850/09 + COR 1 (cs) + COR 4 (fi) + REV 1 (hu) + REV 2 (lt) + REV 2 COR 1 (lt) + REV 3 (sk) + REV 4 (sv) + REV 5 (de) + REV 6 (mt)	Qualified majority	All Member States in favour
Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides (Text with EEA relevance)	PE-CONS 3676/1/09 REV 1	Qualified majority	All Member States in favour
2976th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Brussels on 20 November 2009			
Council Regulation (EC) No 1139/2009 of 20 November 2009 repealing certain obsolete Council acts	13521/09	Qualified majority	All Member States in favour
Council Regulation (EC) No 1128/2009 of 20 November 2009 repealing certain obsolete Council acts in the field of the common agricultural policy	13519/09	Qualified majority	All Member States in favour

**INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS
SEPTEMBER 2009**

TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council Regulation (EC) No 1140/2009 of 20 November 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)	15097/09 + COR 1 (fr)	Qualified majority	All Member States in favour, except: abstention: UK
<p>Statement by the Polish delegation In relation to: Article 78 and Article 79 of the draft Council Regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) 14270/09 AGRI 423, AGRIORG 96, AGRIFIN 86 Poland decided to withdraw its objection to the proposed document for the sake of all Member States and because of the fact that its adoption is a condition required to launch an emergency package to the amount of EUR 280 billion. However, it must be stressed that Poland continues to doubt the legitimacy of the proposed new rules for calculating the levy payable after exceeding the national milk quota in the case of Member States applying the milk quota buy-back mechanism. The submitted proposal will lead to a decrease of the milk quota exempt from national aid in those Member States which fully use the production limits granted and, at the same time, administer the national quota buy-back mechanism. The new rules will openly discriminate against the most active farmers who contribute to the development of market milk production. In view of the above, Poland finds it essential to maintain the milk quota buy-back mechanism as a facultative activity which should be implemented only after an independent decision of a Member State. At the same time, in the opinion of Poland, the current wording of Article 75(1)(a) of Council Regulation No 1234/2007 is unambiguous and no future EU interpretation of this Article will allow for an introduction of this mechanism as a solution which is obligatory for all Member States.</p>			

**INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS
SEPTEMBER 2009**

TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006	13669/09 + COR 1 + COR 2 (sk) + COR 3 (mt) + COR 4 (fi) + COR 5 (et) + REV 1 (pt) + REV 2 (et) + REV 3 (lt)	Qualified majority	All Member States in favour, except: abstention: FI
<p>Commission Statement - Certification of engine power</p> <p>The control regulation introduces in a systematic way the certification of engines that are new, replaced or technically modified. The Commission is aware that this needs a common approach in all Member States on account of its legal, administrative and economic implications. For such a certification system to be applied, the adoption of the detailed rules in accordance with the procedure foreseen in Article 119 of the proposal will be necessary.</p> <p>By way of consequence, such rules will only be applicable to such engines that are renewed, replaced or technically modified after the entry into force of these detailed rules. Such detailed rules will not affect the status of engines installed in a fishing vessel in cases of changes of ownership provided that the engine is not renewed, replaced or technically modified in conjunction with that transfer of ownership or thereafter.</p> <p>Commission Statement – Financial contribution to the implementation of the Regulation</p> <p>The Commission states its willingness to provide financial assistance to the Member States in the framework of the Council Regulation (EC) No 861/2006, Article 8a) and of the Commission Regulation (EC) No 391/2007 and within the conditions laid down therein for the purposes of supporting expenditure related to new control technologies and the implementation of computerised databases for the validation of data used by their authorities in pursuance of the Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, and to give priority to that expenditure in the allocation of the Community contribution.</p> <p>To this end, these measures will have to be included in the Member States' annual fisheries control programmes which are to be sent to the Commission by 31 January of each year.</p>			

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Commission Statement - Incentive measures The Commission declares that, in addition to control measures adopted under the present Regulation, it is necessary to envisage, in the framework of the future reform of the Common Fisheries Policy, positive measures and incentives with regard to stock conservation and general environmental issues.</p>			
<p>Commission Statement - Aquaculture and inland fishing activities In relation Article 2 of this Regulation, the Commission declares that aquaculture or inland fishing activities and products resulting from these activities will only be covered by a Community Control system, if and to the extent to which specific Common Fisheries Policy rules apply to them. The implementation rules of this Regulation will take due regard to the specificities of this sector and will respect the principle of proportionality.</p>			
<p>Commission Statement - Article 92 The Commission wishes to stress that, when laying down detailed rules for the application of Article 92, account will be taken of whether acts or omissions constituting infringements are being committed by intent for the purposes of establishing the serious character of the infringement at issue. Furthermore, the Commission attaches great importance to the point system for serious infringements in order to ensure a better respect of the rules of the Common Fisheries Policy and to establish a level playing field in all Community waters. For this to be achieved, the Commission declares that it will establish common rules at Community level in the detailed rules to be adopted in accordance with the procedure referred to in Article 119 for the application of such a point system, including a list of points to be attributed for each serious infringement. In view of the importance of this system, the Commission will associate Member States closely in the elaboration of the point system for serious infringements.</p>			
<p>Commission Statement - Assessment of the control system The Commission declares that it will set up an expert group from the Member States that will assess the administrative burden in the area of fishery policy enforcement and come up with possible ideas and proposals on how to reduce such burdens, including by opening up for alternative, risk based control measures in member States, without jeopardizing the effectiveness of the control system and the level playing field of the Community. The expert group will be set up as soon as possible and will after consultation of ACFA, publish a report by the end of 2010 in time for the result to be taken into account by the Commission in the proposals for the reform of the Common Fisheries Policy before 2012.</p>			

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<p>Commission Statement The Commission declares its intention to promote a culture of compliance at international level to the same extent and under the same standards as in the present regulation, and in particular in the framework of RFMO's as well as in its bilateral relations with third countries, so as to contribute to the establishment of a level playing field internationally.</p> <p>Commission Statement - Weighing The Commission is aware that the immediate application of Articles 60 and 61 might lead to the interruption of well established control procedures of landings. The existing procedures will remain unaffected by the application of these Articles until such time that appropriate sampling plans in line with these Articles have been presented by the Member States concerned to the Commission for approval within a reasonable time and a subsequent decision on them has been taken by the Commission. The reasonable time will be defined in the detailed rules as referred to in Article 60 paragraph 7 and in Article 61.</p> <p>Commission Statement - Article 90 Article 90 paragraph 6 shall be interpreted in a way that article 90 paragraph 2 to paragraph 5 shall not apply if member states ensure that natural persons having committed serious infringements are punishable by effective, proportionate and dissuasive criminal penalties and legal persons held liable for these criminal offences are punishable by effective, proportionate and dissuasive fines.</p> <p>Statement by Finland Finland can not join in the political agreement reached during the October 2009 Council meeting in Luxemburg on a proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy for the following reasons: The outcome does not fully take into account conditions prevailing in particular in the Northern Baltic Sea and thus creates additional burden to administration and operators without contributing better control and enforcement results; The point system is not proportionate and may lead to unfair situations from fishermen's point of view. In addition, costs for establishing and maintaining such a point system may be substantial; Finally, Finland would have limited prohibition to market recreational catches to species subject to recovery and/or multi-annual plans. For the above-mentioned reasons, Finland regrets the outcome and abstains.</p>			

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Statement by Italy Italy invites the Commission to consider issues linked to the catch of undersized fish with legal mesh, also in order to avoid the practice of discards. In this respect, Italy invites the Commission to present, where appropriate, proposals in the framework of the implementation of the new regulation establishing a Community control system for the Common Fisheries Policy.</p>			
<p>Statement by Slovenia Slovenia supports the proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy even though we remain concerned that some provisions could prove extensively burdensome both for small scale fisheries and corresponding authorities. The discussions clearly showed the necessity to adjust the rules also to the small fishing sectors with a large proportion of small-scale fisheries. Therefore, we urge the Commission to pay more attention to the needs of small-scale, regional fisheries that do not represent a threat to biodiversity, as well as to the bottom-up approach in its further legislative proposals, particularly in the forthcoming reform of the common Fisheries Policy.</p>			
<p>Council Regulation (EC) No 1226/2009 of 20 November 2009 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010</p>	<p>15037/09 + REV 1 (lv)</p>	<p>Qualified majority</p>	<p>All Member States in favour except: abstention: PL</p>
<p>Joint Council and Commission Statement In view of the declaration signed by the Baltic Member States and the Commission in Stockholm 01 October 2009 on the management of the Baltic Sea Fisheries and the strategic actions to reinforce sustainability in fisheries agreed in the European Union Strategy for the Baltic Sea Region, Commission and Council agree that it is appropriate to develop a road map in 2010 on further measures with the objective to eradicate discards in the Baltic Sea, inter alia through the adoption of a discard ban if appropriate and taking account of the pilot project conducted by Denmark on a catch quota system and the proposal tabled by the BSRAC.</p>			

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Joint Council and Commission Statement In view of the declaration signed by the Baltic Member States and the Commission in Stockholm 01 October 2009 on the management of the Baltic Sea Fisheries and the strategic actions to reinforce sustainability in fisheries agreed in the European Union Strategy for the Baltic Sea Region, the Commission and the Council agree that it is appropriate to set up Terms of Reference for a technical working group in collaboration with stakeholders, in line with existing stakeholders consultation and with the objective to evaluate and revise the measures established for 2010 as needed. In addition the working group shall prepare additional measures to eradicate discards as they deem appropriate such as the improvement of gear selectivity, the reduction of minimum landing size and the introduction of seasonal closures of areas for the protection of juvenile cod.</p>			
<p>Joint Council and Commission Statement The Council and the Commission would appreciate further experiments and development in 2010 on fully documented fisheries with a view to assessing whether the implementation of this principle can offer a real alternative.</p>			
<p>Joint Council and Commission Statement Having regard of the need to safeguard the Western Baltic Spring Spawners (WBSS) herring stock and to mitigate the forecasted effects of the increasing recruitment failure, Commission and Council agree that fishing mortality should not be further increased in 2010. Taking account of the spatial distribution, in particular of the juveniles of this stock, the TAC for SD 22-24 will be reduced by 16,5%, while for the WBSS share of the TAC for SD IIIa a reduction of 25,5% is intended.</p>			
<p>Commission Statement The Commission offers to assess with Member States concerned how provisions for structural support for the increase in selectivity as provided for under the EFF can be applied efficiently as quick as possible in order to support the implementation of the measures agreed upon.</p>			
<p>Statement by Poland on Baltic TAC & Quotas Regulation for 2010: Poland regrets that the Council, in its decision to increase mesh size in codends of BACOMA and T90 gears from 110 to 120mm, did not take account of the findings of ICES report on the selectivity of cod fishing gears used in the Baltic, prepared on request from the European Commission. A decision that is not substantiated by scientific advice and proved to be wrong in the past does not merit support. Hence, Poland abstains from vote.</p>			

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Statement by Poland on the future TAC setting for Eastern Baltic Cod: Poland welcomes positive developments in the Eastern Baltic Cod stock as confirmed by ICES advice for 2009 and 2010. This situation should be reflected through an update of harvest control rules, as part of the revision of Baltic Cod long-term management plan, which is to commence in 2010.</p>			
<p>Common Position (EC) No 18/2009 of 20 November 2009 adopted by the Council, acting in accordance with the procedure referred to in Article 251 of the Treaty establishing the European Community, with a view to the adoption of a Regulation of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other essential parameters Text with EEA relevance</p>	<p>14639/09 + ADD 1 + ADD 1 COR 1 + REV 6 + REV 6 ADD 1</p>	<p>Qualified majority</p>	<p>All Member States in favour</p>
<p>Statement by the Commission The Commission supports the use of Community instruments such as the Intelligent Energy-Europe Programme to contribute to initiatives that raise end-users' awareness of the benefits of tyre labelling. By June 2012, the Commission will make available, in particular to consumer organisations and tyre manufacturers on its ec.europa website, information explaining each of the components of the tyre label and a harmonised fuel savings calculator.</p>			
<p>Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (Text with EEA relevance)</p>	<p>PE-CONS 3677/6/09 REV 6</p>	<p>Qualified majority</p>	<p>All Member States in favour, except: abstention: NL</p>

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Statement by the Commission on net neutrality The Commission attaches high importance to preserving the open and neutral character of the Internet, taking full account of the will of the co-legislators now to enshrine net neutrality as a policy objective and regulatory principle to be promoted by national regulatory authorities¹, alongside the strengthening of related transparency requirements² and the creation of safeguard powers for national regulatory authorities to prevent the degradation of services and the hindering or slowing down of traffic over public networks³. The Commission will monitor closely the implementation of these provisions in the Member States, introducing a particular focus on how the "net freedoms" of European citizens are being safeguarded in its annual Progress Report to the European Parliament and the Council. In the meantime, the Commission will monitor the impact of market and technological developments on "net freedoms" reporting to the European Parliament and Council before the end of 2010 on whether additional guidance is required, and will invoke its existing competition law powers to deal with any anti-competitive practices that may emerge.</p> <p>Statement of the Netherlands The Netherlands has great difficulty with the central role of the European Commission in the regulation of telecoms markets on the basis of Articles 7,15 and 19 of the Better Regulation Directive. The national regulators should have more latitude to take account of specific market circumstances and not be able to be overruled by the Commission in doing so. The Netherlands maintains a preference for a regulatory committee procedure for drawing up the list of relevant markets (Framework Directive Article 15). The Netherlands also attaches great importance to good cooperation with other Member States and recognises the importance of reaching a political agreement. Taking all these factors into consideration, the Netherlands is abstaining from the vote.</p>			

¹ Article 8(4)(g) Framework Directive

² Article 20(1)(b) and 21(3)(c) and (d) of the Universal Service Directive

³ Article 22(3) of the Universal Service Directive

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Statement by Austria, Belgium, Estonia, Finland, Germany, Ireland, Latvia, Malta, Poland, Romania, Slovakia, Spain and United Kingdom on Citizens Rights Directive, E-Privacy Directive</p> <p>The above Member States welcome the adoption of the three dossiers that form an integrated package of regulatory proposals for the electronic communications sector: the Citizen’s Rights Directive and the BEREC Regulation, which were adopted by Council on the 26th October 2009; and the Better Regulation Directive, which was adopted by Council on 20th November.</p> <p>The aim of Directive 2002/58/EC and of the Citizen’s Rights Directive is to protect fundamental rights and freedoms with respect to the processing of personal data in the electronic communications sector, and in particular the right to privacy, and to ensure the free movement of such data. Article 5(3) of Directive 2002/58/EC concerns the conditions under which information, including unwanted spy programmes or other types of malware may be placed on an individual’s terminal equipment. It also applies to "cookies" and similar technologies, the use of which may in many instances be legitimate. The amended text of Article 5(3) clarifies that the existing consent requirement for the use of such technologies, applies regardless of whether they are delivered via electronic communications networks or other technical means.</p> <p>These Member <u>States</u> recognise that this clarification may require the modification of some national laws. However, as indicated in <u>recital 66</u>, amended Article 5(3) is not intended to alter the existing requirement that such consent be exercised as a right to refuse the use of cookies or similar technologies used for legitimate purposes.</p>			
<p>Statement by Austria, Bulgaria, Estonia, Finland, Germany, Ireland, Italy, Latvia, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and United Kingdom on Better Regulation Directive, Framework Directive.</p> <p>This statement concerns Article 21 of the Better Regulation Directive, which contains revised text for Article 19 of the Framework Directive. The above Member States note that the power of the Commission to adopt decisions under Article 19 is expressly restricted to harmonising the National Regulatory Authorities’(NRA) general regulatory approach in application of Articles 15 and 16 of the Framework Directive.</p> <p>Article 15 of the Framework Directive (“The market definition procedure”) describes the procedures which have to be followed in identifying and defining economic markets.</p> <p>Article 16 of the Framework Directive (“Market analysis procedure”) requires NRAs to carry out an analysis of the relevant markets, taking into account the markets identified by the Commission’s Recommendation on the issue, to determine whether the relevant markets are competitive.</p>			

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<p>Article 16 further requires that the determination of whether a market is competitive or not must be taken into account in deciding whether obligations need to be imposed or maintained on, or removed from undertakings under other specified provisions. Article 16 does not address what those obligations should be.</p> <p>These Member States therefore considers that the scope of the Commission's decision-making powers under Article 19 of the Framework Directive by reference to Articles 15 and 16 of the Framework Directive is limited to matters concerning market definition, assessment of significant market power and the effect of market analysis on whether obligations should be imposed or not on undertakings but does not extend to the choice and design of remedies under Articles 8 of the Access Directive or Article 17 of the Universal Service Directive.</p> <p>Commission Statement on Article 19 Framework Directive</p> <p>The Commission welcomes the final text of Article 19 of the Framework Directive, which, as amended, provides a power for the Commission to adopt harmonisation measures in the form of binding decisions, including in relation to the inconsistent implementation of general regulatory approaches by national regulatory authorities on the regulation of electronic communications markets in application of Articles 15 and 16 of the Framework Directive, where it creates a barrier to the internal market. While such decisions may not refer to specific notifications issued by the national regulatory authorities pursuant to Article 7a of the Framework Directive, they do cover general regulatory approaches relating to the imposition, maintenance, amendment or withdrawal of obligations referred to in Article 16(2) of the Framework Directive.</p>			
Regulation of the European Parliament and of the Council on cosmetic products (recast) (Text with EEA relevance)	PE-CONS 3623/5/09 REV 5	Qualified majority	All Member States in favour

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Council Statement</p> <p>The Council would refer to the second paragraph of point 4 of the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹ (hereinafter referred to as "<i>the IIA of 28 November 2001</i>"): "<i>A new legal act shall not constitute a recast act if, with the exception of standardised provisions or wordings, it makes substantive amendments to all the provisions of the earlier act, which it replaces and repeals.</i>".</p> <p>In view of Article 249 of the Treaty, the Council considers that, in principle and by definition, the use of the recasting technique for a legal act which consists of the conversion of the provisions of one or more Directives into a Regulation "<i>makes substantive amendments to all the provisions of the earlier act which it replaces and repeals</i>".</p> <p>In the case in point, because of the advanced stage reached in negotiations, including those with the European Parliament, it did not appear possible to break off the discussions under way at the Council and the Parliament. However, this cannot under any circumstances be taken as a precedent. The Council reserves the right in future to reject any proposal which does not comply with the IIA of 28 November 2001.</p> <p>Statement by the Federal Republic of Germany on the proposal for a Regulation of the European Parliament and of the Council on cosmetic products</p> <p>With regard to the introduction of labelling for nano particles in cosmetic products (Article 19(1)(g)), it cannot in Germany's view be excluded that the general mention on labels of nano-scale materials in cosmetic products using the term "nano" might be misunderstood by consumers as a warning. Because of the general safety requirements for cosmetics, it is in any case only safe products that are allowed on the market. This applies also to cosmetics which are produced using nanotechnology. Germany believes that information on nano-scale materials may be important for consumers where the particle size results in altered properties.</p>			

¹ OJ C 77, 28.3.2002, p. 1.

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<p>Statements by the Commission</p> <p>1. <i>Recast (agreed in December)</i> The Commission takes note of the concerns of Member States on the recasting of directives into regulations. The Commission considers that where the existing provisions of a directive are sufficiently clear, precise and detailed they may be capable of conversion into directly applicable provisions in a regulation by way of recasting. This is true more particularly where the provisions at issue are of a technical nature and have already been fully transposed into national law by all Member States. The Commission accepts, in the light of the different opinions expressed, that the specific case of the Cosmetics Regulation will not be used as a precedent for the interpretation of the Interinstitutional Agreement on this point.</p> <p>2. <i>Internet sales</i> The Commission commits to clarifying the situation regarding internet sales of cosmetic products prior to the date of application of the Regulation.</p> <p>3. <i>Counterfeiting</i> Like the European Parliament, the Commission is concerned by the fact that the cosmetic sector may be affected by counterfeiting which may increase risk for human health. Therefore the Commission will take actions in order to enhance the cooperation between national competent authorities in order to fight counterfeiting.</p> <p>4. <i>Transitional provisions and dates of application of the Regulation</i> The Commission will draft an explanatory note regarding transitional provisions and dates of application of the Regulation (in particular in view of Articles 10 (Safety Assessment), 11 (Product Information File), 13 (Notification) and 16 (Nanomaterials))¹.</p> <p>5. <i>Definition of nanomaterials</i> The Commission notes that work towards a common definition of nanomaterials is still evolving. The Commission therefore confirms that in future Community legislation progress on the common definition should be taken into account and notes that the Comitology procedures contained within this proposal also allow for the updating of the definition within this proposal.</p>			

¹ Previously Articles 7, 8, 10 and 12a, as it appears from the original oral statement given on 24 March 2009.

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Adoption of legislative acts following the European Parliament's second reading under the co-decision procedure (Strasbourg, 23 to 26 November 2009)</p> <p>Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (Text with EEA relevance)</p> <p>Commission Statement The Commission supports the use of Community instruments such as the Intelligent Energy-Europe Programme to contribute to initiatives that raise end-users' awareness of the benefits of tyre labelling. By June 2012, the Commission will make available, in particular to consumer organisations and tyre manufacturers on its ec.europa website, information explaining each of the components of the tyre label and a harmonised fuel savings calculator.</p>	14639/6/09 REV 6	Qualified majority	All Member States in favour
<p>2978h meeting of the Council of the European Union (EDUCATION, YOUTH and CULTURE), held in Brussels on 26 and 27 November 2009</p> <p>Council Directive 2009/143/EC of 26 November 2009 amending Directive 2000/29/EC as regards the delegation of the tasks of laboratory testing</p>	15705/09 + COR 1 (fi) + COR 2 (sk)	Unanimity	All Member States in favour, except: abstention: AT, DE, LV

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<p>Joint Statement by Latvia, Austria and Germany Latvia, Austria and Germany appreciate the initiative of the European Commission in proposing the amendments of the Plant Health Directive and thank the Presidency for the compromise proposal. Latvia Austria and Germany do not object to the principle of laboratory tasks being delegated to a legal person, whether governed by public or by private law. However, we consider that such tasks should be delegated provided that criteria for a clear and internationally accepted quality assurance and evaluation system for laboratory testing are established. The proposal for a Council directive does not include such specific quality assurance requirements. Thereby Latvia, Austria and Germany abstain from voting. The lack of these criteria for a harmonized quality assurance and evaluation system for laboratory testing operating would create more significant discrepancies in laboratory testing thus weakening the EU plant health regime. At the same time Latvia, Austria and Germany expect that during the evaluation of the EU Plant Health regime our particular concerns on clear and internationally accepted quality assurance system for laboratory testing will be taken into consideration.</p>			
Directive of the European Parliament and of the Council on certain components and characteristics of wheeled agricultural or forestry tractors (codified version)	PE-CONS 3678/09	Qualified majority	All Member States in favour
Directive 2009/142/EC of the European Parliament and of the Council of 30 November 2009 relating to appliances burning gaseous fuels (Text with EEA relevance)	PE-CONS 3679/1/09 REV 1	Qualified majority	All Member States in favour
Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (Text with EEA relevance)	PE-CONS 3680/2/09 REV 2	Qualified majority	All Member States in favour

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Directive of the European Parliament and of the Council on the conservation of wild birds (codified version)	PE-CONS 3681/09	Qualified majority	All Member States in favour
Regulation of the European Parliament and of the Council laying down general rules for the granting of Community financial aid in the field of trans-European networks (codified version)	PE-CONS 3682/1/09 REV 1	Qualified majority	All Member States in favour
Council Decision on the European Year of Voluntary Activities Promoting Active Citizenship (2011)	15658/09 + REV 1 (mt) + REV 2 (fi)	Qualified majority	All Member States in favour
2979th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 30 November 2009			
Council framework Decision 2009/905/JHA of 30 November 2009 on Accreditation of forensic service providers carrying out laboratory activities	15905/09	Qualified majority	All Member States in favour
Statement by the Federal Republic of Germany			
on Article 3 of the Council Framework Decision on Accreditation of forensic service providers carrying out laboratory activities			
To determine the scope of the Council Framework Decision on Accreditation of forensic service providers carrying out laboratory activities, the concepts of "laboratory" and "laboratory activities" are defined by recital 15 and Article 3(a) and (b).			
The Federal Republic of Germany understands this exclusively to mean classic forensic laboratories with scientifically trained staff. Facilities or departments in which there are no scientific staff and in which activities similar to laboratory activities (e.g. cyanoacrylate fuming or the Ninhydrin immersion bath process) are carried out only occasionally are not, in our opinion, laboratories within the meaning of the Framework Decision and thus exempt from the obligation of accreditation.			

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
<p>Commission Statement on the Council Framework Decision on Accreditation of forensic service providers carrying out laboratory activities The Commission considers that in so far as the Framework Decision on Accreditation of forensic service providers carrying out laboratory activities relates to services within the meaning of Article 50 Treaty on establishing the European Community, it should be adopted in accordance with that Treaty. The Commission reserves the right to take the measures it considers appropriate.</p>			
Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA	15137/09	Qualified majority	All Member States in favour
Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings	8535/09 + REV 1 (de) + REV 2 (lv)	Qualified majority	All Member States in favour
<p>Statement by the Council With a view to improving the efficient administration of criminal justice, and taking into account the ever-growing complexity of cross-border criminal activity, the Council will examine when appropriate the possibility of taking further action with a view to facilitating cooperation in situations where criminal proceedings are being conducted in two or more Member States in respect of the same or related facts involving different persons, or in respect of the same criminal organisation, taking into account the roles of Eurojust and of the European Judicial Network. In the meantime, the Council encourages Member States to contact each other and exchange information through their competent authorities in such situations, in accordance with any national law and procedure, European Union law or international law .</p>			

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Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes	14065/09 + COR 1 + COR 2 (sl) + REV 1 (lt) + REV 1 COR 1 (lt) + REV 3 (fi) + REV 4 (bu) + REV 5 (sk)	Qualified majority	All Member States in favour
Council Decision amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS)	16142/09 + COR 1 (ro)	Unanimity	All Member States in favour
2009/914/EC: Council Decision of 30 November 2009 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS)	15983/09 + COR 1 (fi)	Unanimity	All Member States in favour

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TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
2009/915/EC: Council Decision of 30 November 2009 amending Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, SISNET	15984/09	Unanimity	All Member States in favour
Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement	15521/09	Unanimity	All Member States in favour

INFORMATION ON THE ADOPTION OF OTHER ACTS SEPTEMBER 2009	
OTHER ACTS	Votes/Statements made public
<p>2972nd meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS), held in Brussels on 10 November 2009</p> <p>2009/832/EC: Council Decision of 10 November 2009 on the procedure concerning derogations from the rules of origin set out in the Origin Protocols annexed to Economic Partnership Agreements with ACP States, and repealing Decision 2000/399/EC 13693/09</p> <p>Council Decision on the conclusion of an Agreement in the form of a Protocol between the European Community and its Member States and the Republic of Lebanon establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part 14131/09 + REV 1 (en, fr)</p> <p>Council Decision on the conclusion of an Agreement in the form of a Protocol between the European Community and the Republic of Tunisia establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part 14077/2/09 REV 2</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
European Union's common position for the 32 nd meeting of the EEA Council 15161/09	
Council Joint Action 2009/834/CFSP of 10 November 2009 amending Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre 13224/09	
Council Decision on the signing, on behalf of the Community, and provisional application of the Agreement between the European Community and the Hashemite Kingdom of Jordan on Scientific and Technological Cooperation 11790/09	
Council Conclusions on the Report by the European Nuclear Safety Regulators Group 14471/09	
Council Decision on the participation of the European Community in negotiations under the Montreal Protocol on substances that deplete the ozone layer 13745/09	
Council Conclusions on the long-term sustainability of public finances in the EU 15127/09	
Council Conclusions on Better regulation - Reduction of administrative burdens 15130/2/09 REV 2	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>Council Conclusions on EU Statistics 15824/09</p> <p>Written procedure completed on 13 November 2009</p> <p>European Union's position for the eighth Association Council meeting (Brussels, 16 November 2009) 15502/09 + COR 1</p> <p>2973rd meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Brussels on 16 November 2009</p> <p>Council Conclusions on Integrated Maritime Policy 15175/1/09 REV 1</p> <p>Council Conclusions on Freedom of Religion or Belief 15510/09</p> <p>Council Decision on a Community Position concerning the Rules of Procedure of the Joint CARIFORUM-EC Council, the Trade and Development Committee and the Special Committees provided for by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part 14871/09</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>Council Decision on a Community Position concerning participation in the CARIFORUM-EC Consultative Committee provided for by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, and on the selection of the representatives of organisations located in the EC Party 14872/09</p> <p>Council Decision approving the conclusion, by the Commission, of the Agreement for cooperation between the European Atomic Energy Community and the Government of the Federative Republic of Brazil in the field of fusion energy research 14268/09</p> <p>Council Decision on the signing and conclusion of a voluntary partnership agreement between the European Community and the Republic of Ghana on forest law enforcement, governance and trade in timber products into the Community 14190/09 + COR 1 (fr)</p> <p>Commission Statement With a view to continuing the collaboration developed during the negotiation of the VPA, the Commission will continue to inform and, when appropriate, consult the Member States on the implementation of this and any future FLEGT partnership agreements. Furthermore, in relation to the authorisation to the Commission to approve amendments to the annexes of the FLEGT partnership agreements, it is considered that the use of Article 300(4) of the EC Treaty is justified given the particular nature and content of these agreements.</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>Council Conclusions on Application by the Republic of Albania for membership of the European Union 15532/09</p> <p>2974th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Brussels on 16 and 17 November 2009</p> <p>Council Conclusions on the Annual Report 2009 on the European Community's Development and External Assistance Policies and their Implementation in 2008 16078/09</p> <p>Council Conclusions on Progress on the European Programme for Action to Confront HIV/AIDS, Malaria and Tuberculosis through External Action (2007-2011) 16076/09</p> <p>Council Conclusions on Democracy Support in the EU's External Relations – Towards Increased Coherence and Effectiveness 16081/09</p> <p>Council Conclusions on Policy Coherence for Development (PCD) 16079/09</p> <p>Council Decision concerning the conclusion of the Agreement between the Government of the Russian Federation and the European Union on the protection of classified information 15227/09</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>2009/989/EC,Euratom: Decision of the Council and of the Commission of 17 November 2009 on the conclusion of a Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part 12475/04 + COR 1 + COR 2 (fi)</p>	
<p>2009/990/EC,Euratom: Council and Commission Decision of 17 November 2009 on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union 16406/08</p>	
<p>Council Decision 2009/840/CFSP of 17 November 2009 implementing Common Position 2007/140/CFSP concerning restrictive measures against Iran 14347/09 + ADD 1 REV 2</p>	
<p>Council Regulation implementing Article 7(2) of Regulation (EC) N°423/2007 concerning restrictive measures against Iran 14386/09 + COR 1 + COR 2 + ADD 1 REV 2</p>	
<p>Council Conclusions on Belarus 15593/09</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
Council Conclusions on ESDP 16500/09	
Council Decision concerning the conclusion of the Agreement between the European Union and the Dominican Republic on the participation of the Dominican Republic in the European Union military operation in Bosnia and Herzegovina (Operation ALTHEA) 15053/09 + COR 1 (sl)	
Council Joint Action 2009/842/CFSP of 17 November 2009 amending Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) 15116/09	
Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund in 2010, including the first instalment for 2010 15445/09	
Council Conclusions on an Operational Framework on Aid Effectiveness 15912/09	
Council Conclusions on Climate Change and Development 16071/09	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>2976th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Brussels on 20 November 2009</p> <p>2010/10/EC: 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 15668/09</p> <p>Statement by the republic of Poland 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.</p> <p>Council Conclusions on the Report from the Commission to the Council and the European Parliament on the experience gained from the application of the hygiene Regulations 14299/09 + ADD 1 + ADD 1 REV 1 (fi)</p> <p>Council Conclusions on Special Report No. 9/2009 of the European Court of Auditors "concerning the efficiency and effectiveness of the personnel selection activities carried out by the European Personnel Selection Office 14608/1/09 REV 1 + REV 1 COR1 (de) + REV 1 COR 2 (cs) + REV 2 (mt)</p> <p>Council Joint Action 2009/854/CFSP of 20 November 2009 amending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) 14702/09</p>	<p>Voting rule: Unanimity All Member States voted in favour, except: CZ, DK, EE, ES, SK, SE and UK abstaining</p>

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>Council 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 15159/09 + COR 1</p> <p>2977th meeting of the Council of the European Union (ENVIRONMENT), held in Brussels on 23 November 2009</p> <p>Council Decision on a Community Position concerning the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators provided for by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part 14870/09</p> <p>2978h meeting of the Council of the European Union (EDUCATION, YOUTH and CULTURE), held in Brussels on 26 and 27 November 2009</p> <p>Council Decision authorising the Commission to open negotiations with the EFTA States, the participants in the Barcelona Process, the participants in the Stabilisation and Association Process and the Faeroe Islands on the regional convention on pan-Euro-Mediterranean preferential rules of origin 15410/09 + COR 1 (fi) + REV 1 (sk)</p> <p>Council Decision on the Community position to be taken as regards the EU-Swiss Joint Committee decision authenticating in the Bulgarian and Romanian languages the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons 12478/09 + ADD 1 (bg, ro) + ADD 2 (bg, ro) + ADD 3 (bg, ro)</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>2009/904/EC: Council Decision of 26 November 2009 on the position to be taken by the European Community regarding the renegotiation of the Monetary Agreement with the Republic of San Marino 15253/09 + COR 1 (es)</p> <p>2009/895/EC: Council Decision of 26 November 2009 on the position to be taken by the European Community regarding the renegotiation of the Monetary Agreement with the Vatican City State 15224/09</p> <p>Council Decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities 15540/09 + COR 1 (fi)</p> <p>Council Conclusions of 26 November 2009 on the professional development of teachers and school leaders 15098/09 + REV 1 (da) + REV 2 (hu) + REV 3 (ro)</p> <p>Council Conclusions of 26 November 2009 on the education of children with a migrant background 14353/09 + REV 1 (da) + COR 1 (hu)</p> <p>Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 26 November 2009 on developing the role of education in a fully-functioning knowledge triangle 14344/09 + REV 1 (de) + REV 2 (sl) + REV 3 (da) + REV 4 (it)</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>Council Conclusions of 27 November 2009 on promoting a Creative Generation: developing the creativity and innovative capacity of children and young people through cultural expression and access to culture 14453/09 + REV 1 (fi) + COR 1 (da)</p> <p>Council Conclusions of 27 November 2009 on media literacy in the digital environment 15441/09 + COR 1 (da)</p> <p>Council Resolution of 27 November 2009 on a renewed framework for European cooperation in the youth field (2010-2018) 15131/09 + COR 1 + COR 2 (da) + REV 1 (es)</p> <p>Written procedure completed on 27 November 2009</p> <p>Council Regulation establishing transitional technical measures from 1 January 2010 to 30 June 2011 16470/09 + COR 1</p>	<p>Voting rule: Qualified majority All Member States voted in favour, except: IE and UK voting against</p>

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
Written procedure completed on 27 November 2009	
<p>Council Regulation fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2010 16354/09 + COR 1 (bg) + COR 2 (ro)</p> <p>2979th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 30 November 2009</p> <p>Council Conclusions on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union - an EU CBRN Action Plan 15505/1/09 REV 1 + REV 1 COR1 + REV 1 COR 2 + REV 2 (sl)</p> <p>Council Conclusions on a Community framework on disaster prevention within the EU 15394/09 +REV 1 (sv) + REV 2 (sl)</p> <p>2009/942/EC: Council Decision of 30 November 2009 amending Decision 2006/325/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters 14899/09 + COR 1</p> <p>2009/943/EC: Council Decision of 30 November 2009 amending Decision 2006/326/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters 14902/09 + COR 1</p>	<p>Voting rule: Qualified majority All Member States voted in favour except SL which did not enter a vote</p>

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>2009/941/EC: Council Decision of 30 November 2009 on the conclusion by the European Community of the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations 14897/09 + COR 1 (lt) + COR 2 (sv) + COR 3 + REV 1 (fi) + REV 1 COR 1 (fi) + REV 2 (lv)</p> <p>2009/940/EC: Council Decision of 30 November 2009 on the signing by the European Community of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007 13949/09</p> <p>Council Conclusions on a European system for forensic drug profiling 15876/09 + REV 1 (et)</p> <p>Council Resolution of 30 November 2009 on the exchange of DNA analysis results 15870/09 + COR 1</p> <p>Council Decision 2009/949/JHA of 30 November 2009 adjusting the basic salaries and allowances applicable to Europol staff 15832/09</p> <p>Council Decision 2009/968/JHA of 30 November 2009 adopting the rules on the confidentiality of Europol information 15135/09</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>Council Decision 2009/936/JHA of 30 November 2009 adopting the implementing rules for Europol analysis work files 15140/09 + REV 1 (en) + REV 2 (fi)</p> <p>Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information 15138/09 + COR 1 (fi) + REV 2 (en)</p> <p>Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements 15139/09 + COR 1 (fi) + REV 2 (en)</p> <p>Statement by Cyprus Cyprus is not in a position to give its agreement for the adoption of the item Draft Council Decision determining the list of third States and organizations with which Europol shall conclude agreements (doc. 15139/1/09 REV 1 EUROPOL 91) because of the continuous refusal of Turkey to cooperate with Cyprus in the field of police and judicial matters. More precisely, Turkey has not shown yet any sign of collaboration in the above fields. INTERPOL Ankara refuses to cooperate directly with INTERPOL Nicosia, does not respond to any requests from INTERPOL Nicosia and refuses to address the Republic of Cyprus on any related matter. This situation prevents any cooperation in the fields of justice, policing, surveillance of illegal activities and exchange of relevant information, which are the cornerstones of INTERPOL and EUROPOL cooperation. Despite the fact that the need for cooperation with Cyprus has been raised repeatedly by INTERPOL's General Secretariat with the authorities of Turkey, the problem remains due to Turkey's negative stance. Under the above mentioned circumstances the Republic of Cyprus is not in a position to give its consent for the inclusion of Turkey in the list of third States and organizations with which Europol shall conclude agreements, and for this reason it will vote against the adoption of the Draft Council Decision determining the list of third States and organizations with which Europol shall conclude agreements (doc. 15139/1/09 REV 1 EUROPOL 91)</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>Council Decision 2009/933/CFSP of 30 November 2009 on the extension, on behalf of the European Union, of the territorial scope of the Agreement on extradition between the European Union and the United States of America 16455/1/09 REV 1</p> <p>Council Conclusions on the strengthening of the fight against drug trafficking in West Africa 16451/09</p> <p>Council Conclusions on model provisions, guiding the Council's criminal law deliberations 16542/2/09 REV 2 + REV 3 (sv) + REV 4 (fi)</p> <p>Statement by the Commission</p> <p>The Commission fully shares the objective to ensure consistency in European Union legislation relating to criminal law. However, the Commission considers the Guidelines and model provisions contained in the Council's Conclusions are premature and restrict the interpretation of Article 83 of the Treaty on the Functioning of the EU (TFEU). By issuing such guidelines and model provisions the Council unilaterally establishes a framework for future legislation to which neither the Commission nor the European Parliament agreed. The Commission therefore declares that these guidelines and model provisions are without prejudice to its right of initiative in accordance with the TFEU. The Commission also declares that it will exercise this right with due care and based on an impact assessment following appropriate consultations.</p> <p>Statement by Greece</p> <p>With regard to the model provision on "inciting ,aiding and abetting and attempt", Greece considers that this provision should have covered also negligent conduct. Furthermore, with regard to the model provision on "Penalties against legal persons", Greece considers that the word penalties includes also sanctions.</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
Resolution of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (Text with EEA relevance) 15434/09 + REV 1 (nl)	
Council Conclusions on Labour Migration and its Development Potential in the Age of Mobility 15823/09	
Council Conclusions on Migration for Development 15806/09	
Council Conclusions on Mobility Partnerships as a tool of the Global Approach to Migration 15811/09	
Joint Declaration on a Mobility Partnership between the European Union and Georgia 16396/09 + ADD 1	
2009/896/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver 13925/09	
2009/897/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver 13927/09	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
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OTHER ACTS	Votes/Statements made public
<p>2009/898/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and Barbados on the short-stay visa waiver 13929/09</p> <p>2009/899/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver 13930/09</p> <p>2009/900/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver 13931/09</p> <p>2009/901/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver 13932/09</p> <p>Council Conclusions on an Information Management Strategy for EU internal security 16637/09</p> <p>Council Decision on the signing, on behalf of the European Community, and provisional application of the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 15954/09</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
Council Decision providing macro-financial assistance to Serbia 15803/09	
Council Decision providing macro-financial assistance to Bosnia and Herzegovina 15802/09	
Council Decision providing macro-financial assistance to Georgia 15660/09	
Council Decision providing macro-financial assistance to Armenia 15661/09	
Council Decision concerning the conclusion of the Agreement between Australia and the European Union on the security of classified information 14683/09 + REV 1 (mt)	
Council Regulation (EC) No 1197/2009 of 30 November 2009 amending Regulation (EC) No 2115/2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation 14955/09 + COR 1 (lv)	
2009/947/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Government of the Republic of Azerbaijan on certain aspects of air services 15950/09	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
SEPTEMBER 2009**

OTHER ACTS	Votes/Statements made public
<p>2009/974/EC: Council Decision of 30 November 2009 on the conclusion of the Agreement between the European Community and the Government of Mongolia on certain aspects of air services 15952/09</p> <p>Joint Statement by the Council and the Commission Inter alia for pragmatic reasons, it is preferable that the Community alone should conclude the Agreements with the Republic of Azerbaijan and the Government of Mongolia on certain aspects of air services. The same considerations would apply in respect of similar agreements as long as they are concluded in accordance with and within the limits of the mandate on the replacement of certain provisions in existing bilateral agreements adopted by the Council Decision of 5 June 2003. These Decisions do not constitute a precedent as to the exercise of the respective competencies of the Community and its Member States in respect of agreements other than those referred to above, such as, for example, agreements of the type envisaged by the Council Decision of 5 June 2003 authorising the Commission to open negotiations with the United States in the field of air transport, which shall be concluded as mixed agreements. These Decisions do not create any new Community competences as far as external agreements on air services are concerned, nor do they affect the division of competences between the Community and its Member States.</p> <p>Council Decision on the signing, on behalf of the European Community, of the Agreement between the European Community and the Government of Japan on cooperation in science and technology 13753/09 + COR 1 + COR 2 (es)+ COR 3 (hu) + COR 4 (bg) + COR 5</p> <p>Council Conclusions on SIS II 16909/09</p>	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
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OTHER ACTS	Votes/Statements made public
<p>Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters 15921/09</p>	
<p>Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program 16110/09 + COR 1 (fr) + COR 2 (hu) + COR 3 (el) + COR 4 (ee, es, cz) + REV 1(fi)</p>	
<p>Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program 15521/09</p>	