



**COUNCIL OF
THE EUROPEAN UNION**



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PRESS RELEASE

2812th Council meeting

Environment

Luxembourg, 28 June 2007

President **Mr Sigmar GABRIEL**
Federal Minister for the Environment, Nature Conservation
and Reactor Safety of Germany

P R E S S

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11130/07 (Presse 150)

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Main results of the Council

The Council adopted

- a joint action on support for activities of the preparatory commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation in the framework of the implementation of the EU strategy against the proliferation of weapons of mass destruction,
- a common position relating to the 2008 review conference of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction,
- a decision on further measures in support of the implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia by amending the list of persons to whom economic sanctions should apply,
- a regulation on the law applicable to non-contractual obligations ("ROME II"),
- a directive aimed at improving the current legal framework of the supervisory approval process with regard to acquisitions and increase of shareholdings in the banking, insurance and securities sectors,
- a decision establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests, by countering fraud and any other illegal activities affecting the Community's financial interests,
- a directive laying down minimum rules for the protection of chickens kept for meat production with the objective of introducing animal welfare improvements in the intensive farming of chickens,
- a regulation on organic production and labelling of organic products,
- a regulation adopting a uniform definition of drift nets,
- a common position on a draft regulation on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

The Council also reached political agreements on a draft directive on waste; a draft directive establishing environmental quality standards in the field of water policy and a draft regulation on the banning of exports and on safe storage of metallic mercury.

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- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
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PARTICIPANTS

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

Belgium:

Mr Benoit LUTGEN

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

Bulgaria:

Mr Atanas KOSTADINOV

Deputy Minister for the Environment and Water

Czech Republic:

Mr Martin BURŠÍK

Deputy Prime Minister, Minister for the Environment

Denmark:

Ms Connie HEDEGAARD

Minister for Environment and for Nordic Cooperation

Germany:

Mr Sigmar GABRIEL

Federal Minister for the Environment, Nature Conservation and Reactor Safety

Estonia:

Mr Jaanus TAMKIVI

Minister for the Environment

Ireland:

Mr John GORMLEY

Minister for the Environment, Heritage and Local Government

Greece:

Mr Stavros KALOGIANNIS

State Secretary for the Environment, Regional Planning and Public Works

Spain:

Ms Cristina NARBONA RUIZ

Minister for the Environment

France:

Mr Jean-Louis BORLOO

Minister for Ecology and for Sustainable Development and Town and Country Planning

Italy:

Mr Gianni PIATTI

State Secretary for the Environment and Protection of Natural Resources

Cyprus:

Mr George CHACALLI

Deputy Permanent Representative

Latvia:

Mr Raimonds VEJONIS

Minister for the Environment

Lithuania:

Mr Arūnas KUNDROTAS

Minister for the Environment

Luxembourg:

Mr Lucien LUX

Minister for the Environment, Minister for Transport

Hungary:

Mr Egon DIENES-OEHM

Deputy Permanent Representative

Malta:

Mr George PULLICINO

Minister for Rural Affairs and the Environment

Netherlands:

Ms Jacqueline CRAMER

Minister for Housing, Spatial Planning and the Environment

Austria:

Mr Walter GRAHAMMER

Deputy Permanent Representative

Poland:

Mr Jan SZYSZKO

Minister for the Environment

Portugal:

Mr Francisco NUNES CORREIA

Minister for the Environment, Regional Planning and
Regional Development

Romania:

Mr Attila KORODI

Minister for the Environment and Sustainable
Development

Slovenia:

Mr Janez PODOBNIK

Minister for the Environment and Town and Country
Planning

Slovakia:

Mr Jaroslav JADUŠ

State Secretary at the Ministry of the Environment

Finland:

Ms Paula LEHTOMÄKI

Minister for the Environment

Sweden:

Mr Andreas CARLGREN

Minister for the Environment

United Kingdom:

Ms Anne LAMBERT

Deputy Permanent Representative

.....

Commission:

Mr Stavros DIMAS

Member

ITEMS DEBATED**WASTE**

The Council reached a unanimous¹ political agreement on a draft directive on waste (10804/07).

As a result of the debate, the following modifications were inserted in the text (10804/07):

Article 9 paragraph 1a is replaced by:

"When the waste is transferred from the original producer or holder to one of the natural or legal persons referred to in paragraph 1 for preliminary treatment, the responsibility for carrying out a complete recovery or disposal operation is not discharged as a general rule.

Without prejudice to Regulation (EC) 1013/2006 on shipment of waste, Member States may specify the conditions of responsibility and [...] decide in which cases the original producer shall retain responsibility for the whole treatment chain or in which cases the responsibility of the producer and the holder can be shared or delegated among the actors of the treatment chain."

Article 10 paragraph 1, second subparagraph is replaced by:

"In derogation from Regulation (EC) 1013/2006 on shipment of waste, Member States may, in order to protect their network, limit incoming shipments of waste destined to incinerators that are classified as recovery, where it has been established that such shipments would have the consequence that national waste [...] would have to be disposed of or that waste would have been treated in a way that is not in coherence with their national waste management plan. The Member States shall notify such a decision to the Commission. The Member States may also limit outgoing shipment of waste on environmental grounds as set out in Regulation (EC) 1013/2006 on shipments of waste."

Add a new paragraph 4 in Article 10:

"The principles of proximity and self-sufficiency do not mean that each Member State must possess the full range of final recovery facilities within that Member State."

¹ Italy announced its intention to abstain when the common position is formally adopted.

Add new recital in relation to Article 10:

"For the purposes of the application of the Regulation (EC) 1013/2006 on shipments of waste, mixed municipal waste as referred to in Article 3(5) of that Regulation remains mixed municipal waste even when it has been subject to a waste treatment operation that has not substantially altered its properties."

Article 25a paragraph 1 is replaced by:

"The Commission may, in accordance with the procedure referred to in Article 36(1a), adopt technical minimum standards for treatment activities which require a permit according to Article 19 where there is evidence that a benefit in terms of protection of human health and the environment [...] would be gained from such minimum standards."

Article 26a paragraph 3 is replaced by:

"Member States shall determine appropriate specific qualitative or quantitative benchmarks for waste prevention measures adopted in order to monitor and assess the progress of the measures and may determine specific qualitative or quantitative targets and indicators, other than those referred to in paragraph 3a, for the same purpose."

The draft directive

The draft directive aims to:

- simplify and modernise the current legislation;
- implement a more ambitious and effective waste prevention-policy;
- encourage re-use and recycling of waste.

Reforming the current legal framework, the draft directive introduces:

- an environmental objective;
- the clarification of the notions of recovery and disposal;
- the clarification of the conditions for mixing hazardous waste;
- a procedure to clarify when a waste ceases to be a waste for selected waste streams;
- a new requirement to develop national prevention programmes.

Legal basis proposed: Article 175 (1) of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion at first reading on 13 February 2007 (6242/07).

WATER POLICY

The Council reached political agreement on a draft directive establishing environmental quality standards (EQS) in the field of water policy (11816/06).

The draft directive

Chemical pollution of surface water can disturb aquatic ecosystems, causing loss of habitats and biodiversity. Pollutants may accumulate in the food chain, and harm predators consuming contaminated fish. Humans are exposed to pollutants by fish or seafood consumption, drinking water and recreational activities.

Pollutants may be found in the environment many years after being banned; some may be transported long distances and can be found in remote areas. Pollutants may be released to the environment from various sources (e.g. agriculture, industry, incineration), as products or as unintended by-products, they may be of a historical nature or used daily in household products.

The Water Framework Directive 2000/60/EC (WFD) sets out a strategy for dealing with chemical pollution of water. It requires that all EU waters should achieve good status by 2015. The draft directive would be a "daughter" to Directive 2000/60/EC¹, the final major piece of legislation needed to support the WFD.

The draft directive lays down environmental quality standards for 33 priority substances and other pollutants with a view to achieving good surface water chemical status.

More specifically, the proposed directive will set limits on concentrations in surface waters of pesticides, heavy metals and other chemical substances that pose a particular risk to animal and plant life in the aquatic environment and to human health.

Legal basis proposed: Article 175 (1) of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion at first reading in May 2007 (9744/07).

¹ The "mother" directive stays applicable, except for the issues specifically provided for by the "daughter" directive.

METALLIC MERCURY

The Council reached political agreement on a draft regulation on the banning of exports and on safe storage of metallic mercury (10797/07).

As a result of the debate, the following modifications were inserted with reference to the text in 10797/07:

Concerning the legal basis, it was decided to specify that Article 133 of the Treaty refers exclusively to Article 1 of the draft regulation.

The text strengthened the review clause in Article 7 as regards the ongoing research activities on safe disposal options, including solidification of metallic mercury and extended the reporting obligation in Article 5 for relevant importers, exporters and operators.

The draft regulation

Mercury and its compounds are highly toxic to humans, animals and ecosystems. The EU's strategy on mercury, spelt out in the 2005 Commission Communication, consists in controlling the use of mercury and subjecting it to strict regulatory conditions. The main lines of action are:

- to reduce mercury emissions;
- to cut supply and demand;
- to protect against exposure.

The draft regulation aims to contribute to the global objective of reducing exposure to mercury, through the achievement of three objectives:

- to ban the export of mercury from the Community;
- to prevent the re-entry of the surplus of metallic mercury onto the market;
- to guarantee its safe storage for human health and for the environment.

Legal basis proposed: Articles 133 and 175 (1) of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion at first reading on 20 June 2007.

TRANSBOUNDARY MOVEMENTS OF LIVING MODIFIED ORGANISMS (CARTAGENA PROTOCOL)

The Council adopted, by qualified majority¹, a decision granting a mandate to the Commission to negotiate, within the framework of the Cartagena Protocol on Biosafety², international rules and procedures on liability and redress for damage resulting from transboundary movements of living modified organisms. The decision lays down negotiating directives for the Commission, which the Council agreed to keep under review in the light of the evolution of the negotiations.

The EU has always been at the forefront of efforts to establish an international legal framework for trade in GMOs. To protect biodiversity, human health and livelihoods, it is essential that importing States receive only those GMOs that they wish to receive after considering all relevant information.

The Cartagena Protocol on Biosafety provides just such a framework. An important step towards the implementation of the Protocol was made last year in Brazil, when the third meeting of Parties adopted a decision laying down requirements for the documentation accompanying GMO shipments.

The key issue currently under discussion within the framework of the Protocol is the development of rules on liability and redress. It is appropriate to grant a negotiating mandate to the Commission, in an area where there is an important degree of Community competence.

Sui generis decision – qualified majority required for a Council decision.

¹ The UK delegation voted against and the Swedish and Finnish delegations abstained
² <http://www.cbd.int/biosafety/default.shtml>.

CO2 EMISSIONS FROM CARS - *Council conclusions*

The Council adopted conclusions on the review of the Community strategy to reduce CO2 emissions from passenger cars and light commercial vehicles.

See the full text of the conclusions on:

<http://register.consilium.europa.eu/pdf/en/07/st11/st11483.en07.pdf>

EMISSIONS TRADING SCHEME - *Council conclusions*

The Council adopted Conclusions on the review of the European Union emissions trading scheme.

See the full text of the conclusions on:

<http://register.consilium.europa.eu/pdf/en/07/st11/st11429.en07.pdf>

NEW IMPETUS FOR THE EU ENVIRONMENTAL POLICY - *Council conclusions*

The Council adopted conclusions on a new impetus for the EU environmental policy.

See the full text of the conclusions on:

<http://register.consilium.europa.eu/pdf/en/07/st10/st10796.en07.pdf>

COP 9 - CONVENTION ON BIOLOGICAL DIVERSITY - *Council conclusions*

The Council adopted conclusions on the preparation for the 9th meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD)¹.

See the full text of the conclusions on:

<http://register.consilium.europa.eu/pdf/en/07/st10/st10788.en07.pdf>

¹ <http://www.cbd.int/default.shtml>.

OTHER BUSINESS

- (a) Proposal for a Directive aimed at including aviation activities in the scheme for greenhouse gas emission allowance trading within the Community – Progress report.

Some points to be further analysed: geographical scope, starting date and emissions cap; exemptions; assigned amount units exchange mechanism and Kyoto Protocol emission credits; benchmarking; auctioning; third country issues (11098/07).

- (b) Proposal for a Directive on the reduction of greenhouse gas emissions from the use of road transport fuels and on fuel used by inland waterway vessels – Progress report.

The controversial elements of the Commission's proposal are those relating to reducing life-cycle greenhouse gas emissions from fuels and those concerning biofuels (10881/07).

- (c) Proposal for a Directive establishing a framework for the protection of soil – Progress report.

In particular, the following main issues have emerged from the first discussions and will require further in-depth consideration: scope; linkages to existing legislation and policies; risk assessment; programmes of measures; soil contamination (11099/07).

- (d) Pesticides – Information from the Presidency

- Proposal for a Directive on a Community action to achieve a sustainable use of pesticides.

A number of issues requiring further examination have been identified: integrated pest management (IPM); training; harmonised risk indicators; requirements for sales of pesticides; inspection of equipment; aerial spraying; aquatic environment and sensitive areas.

- Proposal for a Regulation concerning the placing of plant protection products on the market.

A number of issues requiring further examination have been identified: parallel trade; approval of active substances (deadlines and renewal); authorisation of plant protection products (timelines and provisional authorisations); mutual recognition of authorisations; data protection, data sharing and confidentiality; comparative assessment and substitution.

- (e) Emissions from heavy duty vehicles (Euro VI) – Information from the Commission.

The Commission is working on a proposal for a regulation to limit pollutant emissions from heavy duty vehicles (Euro VI) (11138/07).

- (f) Commission Green Paper on better ship dismantling – Information from the Commission (10224/07).

- (g) Commission Green Paper on adaptation to climate change – Information from the Commission.

- (h) Communication from the Commission on Environment for Europe Process (EfE) after the 2007 Ministerial Conference in Belgrade – Information from the Presidency.

The EU Member States have come out unanimously in favour of continuing the EfE process after the Ministerial Conference in Belgrade (10835/07).

- (i) Outcome of the COP 3 to the Stockholm Convention on Persistent Organic Pollutants (Dakar, 30 April - 4 May 2007) – Information from the Presidency (11200/07).

- (j) 2nd report from the Commission to the experience of Member States with GMOs placed on the market under Directive 2001/18/EC – Information from the Commission (7143/07).

- (k) Risk Assessment of GMOs, in particular GM maize MON 863 – Austria, supported by IE, IT, PL, LU, BE, CZ, FR, CY, HU, MT, GR and SK, asked the Commission to consider, on the basis of an initiative of the leading competent authority, whether it would take appropriate measures to suspend or limit the consent for MON 863.

Austria suggested that a new long-term feeding study using MON 863 maize, based on the latest toxicological state of the art and on appropriate methods to assess the biological performance of the GMO-fed animals, should be undertaken. Such a study would need a long observation period as a subchronic toxicity study.

- (l) International Commission for the Protection of the Danube River (ICPDR) – Priorities of Romania's 2007 Presidency – Information from Romania (11158/07).

- (m) Midnight Sun Dialogue on Climate Change (Riksgränsen, 11-14 June 2007) – Requested by Sweden.

The purpose of these meetings is to allow ministers to have in depth discussions on key issues related to the future of international cooperation on climate change. No consensus is sought and no agreed conclusions are adopted: the aim is to increase understanding of the views of different countries in order to enhance prospects for agreements in forthcoming negotiations (11139/07).

- (n) Report from the High-Level Meeting of Representatives from Ministries of Agriculture and Environment of the Council of the Baltic Sea States: "Land and Sea: More cooperation, less eutrophication" (Stockholm, 19-20 April 2007) – Requested by Sweden.

The high-level representatives recognised that agriculture was one of the major sources of eutrophication in the Baltic Sea and that further action was needed to reduce nutrient leakage into the sea. The countries agreed to prevent any local or regional increase in nutrient discharges into the Baltic Sea due to non-sustainable practices. The joint statement acknowledged the urgent need for more cooperation at all levels in order to achieve a good environmental status in the Baltic Sea. The excessive input of nutrients constitutes a serious threat to the marine environment. The environmental status of the Baltic Sea is so critical that further and targeted action to combat eutrophication is needed (11104/07).

- (o) MOP 3 of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Riga, 8-13 June 2008) – Information by Latvia (10410/07).
- (p) State of completion of the Natura 2000 network – Requested by Poland.
- (q) Workshop on Thematic Strategy for Soil Protection – Biodiversity aspects (Tuczno, 9-11 May 2007) – Information from Poland (10808/1/07).
- (r) VII Ibero-American Forum of Ministers for the Environment (El Salvador, 11 to 13 June 2007) – Information from Portugal and Spain (11157/07).

OTHER ITEMS APPROVED

ENVIRONMENT

Montreal Protocol on substances that deplete the ozone layer

The Council adopted a decision on the participation of the Commission, on behalf of the EC, in negotiations on amendments and adjustments to the "Montreal Protocol on substances that deplete the ozone layer" at the 19th meeting of Parties to the Protocol, which will take place in Montreal on 17-21 September 2007.

COMMON FOREIGN AND SECURITY POLICY

Nuclear-Test-Ban Treaty Organisation - EU support of the preparatory commission

The Council adopted a joint action on support for activities of the preparatory commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU strategy against the proliferation of weapons of mass destruction (WMD).

The EU will support projects with the specific objectives of the development of capacity in the area of noble gas monitoring and verification; and for the preparation, conduct and evaluation of the "integrated field exercise 2008" in the area of on-site inspections.

The states signatories to the 1996 United Nations CTBT decided to establish a preparatory commission for the purpose of carrying out the implementation of the CTBT, pending the establishment of the CTBTO.

In March 2006 the Council adopted a joint action on support for activities of the preparatory commission of the CTBTO in the area of training and capacity building for verification and in the framework of the EU Strategy against proliferation of WMD.

Conference of the Convention on the prohibition of chemical weapons

The Council adopted a common position relating to the 2008 review conference of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (CWC).

The objective of the EU is to strengthen this Convention, in particular by promoting compliance with the CWC, including the timely destruction of all chemical weapons, and by enhancing its verification regime and striving for universality.

EXTERNAL RELATIONS

EU-Brazil Summit

The Council took note of the state of play of preparations for the EU-Brazil Summit and approved a draft Joint Statement of the EU-Brazil Summit which will be held in Lisbon on 4 July 2007.

Relations with Russia - Protocol to the Partnership and Cooperation Agreement

The Council adopted a Decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement, establishing a partnership between the EC and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of Bulgaria and Romania to the European Union

This Protocol was signed on behalf of the European Communities and their Member States on 23 April 2007 and pending its entry into force, it has been applied on a provisional basis as from 23 April 2007.

International Criminal Tribunal for the former Yugoslavia – Freezing of assets

The Council adopted a decision implementing common position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) by amending the list of persons to whom economic sanctions should apply for having been indicted by the ICTY (10683/07).

Following the transfer of Mr Zdravko Tolimir and Mr Vlastimir Djordjevic to the custody of the ICTY on 1 June 2007, their names have been removed from the list.

The list now contains four names, including Mr Radovan Karadzic and Mr Ratko Mladic.

JUSTICE AND HOME AFFAIRS

Society for Worldwide Interbank Financial Telecommunication (SWIFT)

The Council took note of a letter from the United States Secretary for the Treasury presenting Representations regarding the processing and protection of personal data subpoenaed by the Treasury Department from the US based operation centre of the Society for Worldwide Interbank Financial Telecommunication (SWIFT) in the United States under the Terrorist Finance Tracking Programme (TFTP).

These unilateral Representations describe the controls and safeguards governing the handling, use and dissemination of data by the US authorities under the Treasury Department's TFTP.

For further information please go to:

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/misc/95017.pdf

Service of judicial and extrajudicial documents

The Council adopted a common position on a proposal for a regulation on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, repealing Council Regulation (EC) No 1348/2000 (8703/07).

The proposal is aimed at further improving and expediting the transmission and service of this kind of document between the Member States, simplifying the application of certain provisions of the regulation and improving legal certainty for the applicant and for the addressee.

The draft regulation will apply in civil and commercial matters where a judicial or extrajudicial document has to be transmitted from one Member State to another for service there. It will not extend in particular to revenue, customs or administrative matters or to liability of the State for actions or omissions in the exercise of state authority.

The draft regulation will not apply to Denmark.

Europol budget for 2008

The Council adopted the Europol Budget for 2008 (7912/07).

Civil judicial cooperation - Rome II

The Council adopted a regulation on the law applicable to non-contractual obligations ("ROME II") (PE-CONS 3619/07)

The purpose of this Regulation is to lay down a uniform set of rules of law applicable to non-contractual obligations, irrespective of the country of the court in which an action is brought. This should increase certainty as to the applicable law and improve the predictability of legal disputes and the free movement of judgements.

As a general rule, the draft Regulation sets out that the law applicable to a tort/delict is the law of the country where damage occurred. Only in certain limited, duly justified circumstances, the general rule will be derogated from and special rules applied. The draft Regulation contains special rules in matters of product liability, unfair competition, environmental damage, infringements of intellectual property and industrial action.

For further information, see Council press release 9713/07

ECONOMIC AND FINANCIAL AFFAIRS

Shareholdings in the banking, insurance and securities sectors - Supervisory process

The Council adopted a directive aimed at improving the current legal framework of the supervisory approval process with regard to acquisitions and increase of shareholdings in the banking, insurance and securities sectors (3610/07).

The new directive seeks to improve legal certainty, clarity and transparency by providing detailed criteria for carrying out prudential assessments of acquisitions, as well as a procedure for their application.

To this end, the directive will amend the following five directives that regulate situations in which a natural or legal person has taken a decision to acquire or increase a qualifying holding in a credit institution, assurance, insurance or re-insurance undertaking or an investment firm:

- 92/49/EEC, on direct insurance other than life assurance (3rd non-life insurance directive);
- 2002/83/EC, on life assurance;
- 2004/39/EC on markets in financial instruments;
- 2005/68/EC on reinsurance;
- 2006/48/EC relating to the taking up and pursuit of the business of credit institutions.

BUDGET

Financial rules for Community executive agencies

The Council approved an opinion to be forwarded to the Commission, regarding the draft Commission regulation aimed at amending financial rules for Community executive agencies (11011/07).

TRADE POLICY

Protection of geographical indications of agricultural products and foodstuffs

The Council authorised the Commission to open negotiations with the eastern countries covered by the European Neighbourhood Policy and the EFTA countries for agreements on protection of geographical indications of agricultural products and foodstuffs.

DEVELOPMENT COOPERATION

Republic of Guinea – Consultations under the ACP-EU agreement

The Council approved the sending of a joint letter, together with the Commission, to the Prime Minister of Guinea reaffirming the EU's support for the democratic transition process in Guinea, in accordance with the commitments entered into during the consultations under Article 96 of the Cotonou agreement.

The EU reaffirms its support for the democratic transition process in Guinea and, in particular, for the holding of free and transparent parliamentary elections as soon as possible.

It also stresses the need to complete the implementation of the commitments made by Guinea in the context of the consultations.

Furthermore, the letter confirms that the cooperation activities that are underway or being prepared under the European Development Fund will be continued.

The formation on 28 March of a new government based on broad consensus prompted the EU to strengthen the dialogue with Guinean authorities in the framework of the Cotonou agreement.

Since July 2004 the Republic of Guinea has been subject to the procedure provided for in Article 96 of the Cotonou agreement, which refers to commitments stemming from the obligation to respect human rights, democratic principles and the rule of law.

European Development Fund - Contributions for 2007

The Council adopted a decision fixing the financial contributions to be paid by EU Member States to the 9th European Development Fund as the second instalment for 2007 (11042/07).

GENERAL AFFAIRS

Protection of the Community's financial interests - Hercule II programme

The Council adopted at first reading, following an agreement with the European Parliament, a Decision establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule II programme) (PE-CONS 3607/07).

This Decision amends and extends Decision No 804/2004/EC of 21 April 2004.

The purpose of the Decision is to counter fraud and any other illegal activities affecting the Community's financial interests, including cigarette smuggling and counterfeiting. The Hercule II programme provides financial assistance to activities with the purpose of providing better information, carrying out studies and providing training or technical assistance as they can contribute significantly to improving the protection of the Community's financial interests.

The new programme will cover all operational expenditure relating to the Commission's (OLAF's) general anti-fraud activities in a single basic act.

AGRICULTURE

Protection of chickens kept for meat production *

The Council adopted by qualified majority¹ a directive laying down minimum rules for the protection of chickens kept for meat production with the objective of introducing animal welfare improvements in the intensive farming of chickens (10072/07, 10308/07 ADD1).

Certain type of chicken farming such as organic and free range are excluded from the scope of the Directive together with holdings rearing less than 500 birds.

The directive introduces the following provisions:

- general requirements for all holdings - maximum 33kg/m² (including e.g. requirements for drinkers, litter, noise, light, cleaning and record keeping as well as monitoring and reporting of post mortem inspection, with a special care for lesions correlated to poor welfare).
- possible derogation for a maximum of 39 kg/m² under additional provisions;
- "reward system", i.e. possibility to grant a bonus of 3 kg/m² if high welfare management is achieved;

¹ The Austrian delegation voted against.

- good practices guides to be developed at national/European level;
- training of farmers dealing with chickens kept for meat production.

The Member States will have to comply with the provisions of the directive by 30 June 2010 at the latest.

Organic products - labelling *

The Council adopted by qualified majority¹ a regulation on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (*8620/1/07, 10751/07 ADD1*).

The new regulation is intended to respond to the growth in consumer demand in recent years and the increase of the market share in most Member States.

It will improve traceability and consumer information through compulsory indications such as "EU agriculture" where agricultural raw material has been farmed in the EU, the possibility of using the Community organic production logo as well as national and private logos.

The new regulation will apply as from 1 January 2009. It defines principles encouraging:

- natural animal health, plant health, husbandry and feed practices;
- recycling of wastes of plant and animal origin

It confirms the prohibition of the use of GMOs and ionising radiation and defines harmonised rules for the production and labelling of organic products, including processed products, and for controls on imports of such products. Where food and feed additives are not naturally available on the market the regulation provides a derogation for additives produced by GMOs.

FISHERIES

EC/Greenland partnership agreement

The Council adopted a regulation approving the conclusion of a fisheries partnership agreement between the European Community and Greenland (*9706/2/07*).

¹ The Belgian, Greek, Hungarian and Italian delegations voted against.

The agreement will be applicable for six years from 1 January 2007.

The date beyond which the provisions concerning the reallocation of fishing opportunities by the Commission will apply, are as follows:

Fishing species of the Protocol	Timetable
Shrimp (East)	1 August ⁸
Greenland halibut (East)	15 September
Atlantic halibut	1 September
Greenland halibut (West)	15 October
Shrimp (West)	1 October
Redfish	1 September
Snowcrab	1 October
Cod	31 October

The first payment to Greenland in the framework of the agreement should be made by the end of June 2007.

The Council and the Commission issued a joint statement with regard to the reallocation of fishing opportunities in the framework of fisheries partnerships with third countries (*10768/07 ADD1*).

Fishing opportunities and associated conditions for certain fish stocks *

The Council adopted a regulation on fishing opportunities and associated conditions for certain fish stocks amending the following three Council regulations (*10584/07, 10636/07 ADD1*):

- regulation (EC) No 1941/2006 fixing the fishing opportunities and associated conditions for certain fish stocks applicable in the Baltic Sea for 2007. Amendments to this Regulation were necessitated by the need for technical clarifications.

⁸ If the level of utilisation of fishing opportunities based on licence applications is, on 1 August, more than 65%, then this date will be postponed to 1 September.

- regulation (EC) No 2015/2006 fixing for 2007-2008 the fishing opportunities for Community vessels for certain deep-sea species. Amendments were necessary following the need for technical clarifications.
- and regulation (EC) No 41/2007 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks applicable in Community waters, and for Community vessels, in waters where catch limitations are required.

Drift nets

The Council adopted⁹ a regulation amending Regulations (EC) No 894/97, (EC) No 812/2004 and (EC) No 2187/2005 as concerns drift nets by introducing a uniform definition of drift nets in all these three acts (9488/07).

These amendments were necessary for reasons of clarity as regards a number of legal provisions regulating the same type of fishing gear, but inserted in three different regulations, and in order to facilitate uniformity in the practice of monitoring between Member States.

ENERGY

Energy Community Ministerial meeting

The Council adopted a Decision establishing the European Community position within the Ministerial Council of the Energy Community on 29 June 2007 in Podgorica (Montenegro). The main issues on the agenda are related to enlargement (in particular the possible accession of Moldova, Norway, Ukraine and Turkey), security of supply and a Social Memorandum.

The Energy Community Treaty entered into force on 1 July 2006. The objective of this treaty is to create an integrated market in natural gas and electricity in South-East Europe between the European Community and the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Montenegro, the Republic of Serbia, and the United Nations Interim Administration Mission in Kosovo (pursuant to United Nations Security Council Resolution 1244).

⁹ The French delegation voted against.

APPOINTMENTS**Committee of the Regions**

The Council adopted a Decision appointing

(a) as members:

- Mr Paul Lindquist, Lidingö kommun, in place of Mr Henrik HAMMAR,
- Ms Kristina Alvendahl, Stockholms kommun, in place of Ms Lisbeth RYDEFJÄRD,
- Ms Maria Wallhager, Stockholms läns landsting, in place of Mr Lars NORDSTRÖM,
- Mr Ilmar Reepalu, Malmö kommun, in place of Mr Roger KALIFF,
- Ms Lotta Håkansson Harju, Järfälla kommun, in place of Ms Catarina TARRAS-WAHLBERG,
- Ms Catarina Segersten-Larsson, Värmlands läns landsting, in place of Mr Chris HEISTER,

and,

(b) as alternate members:

- Mr Carl Fredrik Graf, Halmstads kommun, in place of Ms Agneta Granberg,
- Ms Susanna Haby, Göteborgs kommun, Ms Lena Celion,
- Mr Carl Johan Soneson, Skåne läns landsting, in place of Ms Catarina Segersten-Larsson,
- Mr Rolf Sällryd, Kronobergs läns landsting, in place of Mr Kent Persson,
- Ms Ingela Nylund Watz, Stockholms läns landsting, in place of Mr Endrick Schubert,

- Ms Agneta Lipkin, Norrbottens läns landsting, in place of Ms Christina Tallberg,
- Mr Tore Hult, Alingsås kommun, in place of Ms Lisbeth Rydefjärd (appointed member, who has in the meanwhile resigned),
- Ms Yoomi Renström, Ovanåkers kommun, in place of Ms Åsa Ögren,
- Mr Kenth Lövgren, Gävle kommun, in place of Ms Ulla Norgren,

for the remainder of the current term of office, which ends on 25 January 2010.
