



**COUNCIL OF
THE EUROPEAN UNION**



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PRESS RELEASE

2976th Council meeting

Agriculture and Fisheries

Brussels, 20 November 2009

President **Eskil ERLANDSSON**
Minister for Agriculture of Sweden

P R E S S

Main results of the Council

The Council took note of an oral report from the Commission on the promising signs on the dairy market.

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

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

CONTENTS¹

PARTICIPANTS.....	5
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ITEMS DEBATED

STATE AID IN POLAND FOR THE PURCHASE OF AGRICULTURAL LAND.....	7
GENETICALLY MODIFIED MAIZE MIR604.....	8
CONSERVATION OF FISHERIES RESOURCES THROUGH TECHNICAL MEASURES	9
EC/NORWAY: ANNUAL CONSULTATIONS FOR 2010.....	10
FISHING OPPORTUNITIES IN THE BLACK SEA FOR 2010.....	11
Any other business.....	12

OTHER ITEMS APPROVED*AGRICULTURE*

– Obsolete acts removed from current legislation	16
– Dairy market: Disturbance clause extended to dairy products - Changes to the quota buy-up scheme	16
– Hygiene - <i>Council conclusions</i>	17

FISHERIES

– Agreement on port state measures.....	17
– Control system for the Common Fisheries Policy	17
– Baltic Sea - Fishing quotas for 2010.....	19

EXTERNAL RELATIONS

– EU border assistance mission for the Rafah crossing point	21
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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

BUDGET

- EU budget for 2010 - Council's second reading22

INTERNAL MARKET

- Cosmetic products22

INSTITUTIONAL AFFAIRS

- EPSO - *Council conclusions*23

TELECOMMUNICATIONS

- Better regulation directive.....23

ENERGY

- Labelling of tyres24

PARTICIPANTS

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

Belgium:

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Mr Kris PEETERS

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

Bulgaria:

Mr Miroslav NAYDENOV

Minister for Agriculture and Food

Czech Republic:

Mr Jakub ŠEBESTA

Minister for Agriculture

Denmark:

Ms Eva KJER HANSEN

Minister for Food, Agriculture and Fisheries

Germany:

Ms Ilse AIGNER

Federal Minister for Food, Agriculture and Consumer Protection

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Deputy Permanent Representative

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

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Minister for Rural Development and Food

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Minister for the Environment and the Rural and Marine Environment

Ms Silvia CLEMENTE

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Minister for Food, Agriculture and Fisheries

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Austria:

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State Secretary, Ministry of Agriculture, Forestry and Rural Development

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State Secretary at the Ministry of Agriculture, Forestry and Food

Slovakia:

Mr Ján SLABÝ

State Secretary at the Ministry of Agriculture

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

Mr Rolf ERIKSSON

State Secretary, Ministry of Agriculture

United Kingdom:

Mr Jim FITZPATRICK

Minister of State, Minister for Food, Farming and Environment

Mr Huw IRRANCA-DAVIES

Parliamentary Under-Secretary, Marine and Natural Environment

Mr Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and the Environment, Scottish Government

Ms Michelle GILDERNEW

Northern Ireland Minister for the Department of Agriculture and Rural Development

Commission:

Mr Joe BORG

Member

Ms Mariann FISCHER BOEL

Member

ITEMS DEBATED**STATE AID IN POLAND FOR THE PURCHASE OF AGRICULTURAL LAND**

The Council adopted¹ a decision authorising Poland to grant of state aid for the purchase of agricultural land between 1 January 2010 and 31 December 2013 ([15668/09](#)).

Total aid for the period 2010-2013 amounts to PLN² 400 million³.

Poland made the following statement:

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

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

² Polish zloty

³ around EUR 96,75 million

GENETICALLY MODIFIED MAIZE MIR604

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

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

CONSERVATION OF FISHERIES RESOURCES THROUGH TECHNICAL MEASURES

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

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

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

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

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

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

EC/NORWAY: ANNUAL CONSULTATIONS FOR 2010

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

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

The Commission took note of the views expressed by member states and undertook to pursue the Community interest as effectively as possible during the second round of negotiations.

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

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

FISHING OPPORTUNITIES IN THE BLACK SEA FOR 2010

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

The Council agreed in particular on:

- a TAC of 96 tonnes¹ - shared equally between Bulgaria and Romania - for **turbot** (*Psetta maxima*), linked to a commitment to establish a common action plan setting out benchmarks for control measures and inspections to be met at the latest on 15 February 2010;
- Fishing for turbot is not authorised before 15 February 2010, a ban on turbot fishing from 15 April to 15 June, a minimum landing size of 45 cm and a 400 mm minimum legal mesh size for bottom-set nets used to catch turbot;
- a TAC of 12750 tonnes for **sprat** (*Sprattus sprattus*), i.e. a roll-over of the 2009 TAC;

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

¹ 4% reduction on the 2009 TAC. The TAC will decrease to 76 tonnes (24 % reduction) if national plans are not submitted to and accepted by the Commission.

ANY OTHER BUSINESS

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

Requested by the Hungarian delegation

The Council took note of the Hungarian delegation's request and instructed the Special Committee on Agriculture to examine it at one of its forthcoming meetings ([16153/09](#)).

Hungary requests the Council to support the extension of the Hungarian State aid for the purchase of agricultural land from 1 January 2010.

Decisions on the granting of State aid by the authorities of a Member State have to be adopted by unanimously, pursuant to the third paragraph of Article 88(2) of the EC Treaty.

(b) State aid for the purchase of land

Requested by the Latvian delegation

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

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

Decisions on the granting of State aid by the authorities of a Member State have to be adopted by unanimously, pursuant to the third paragraph of Article 88(2) of the EC Treaty.

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

Requested by the Belgian and French delegations

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

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

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

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

(d) Facing the new challenges to European forestry - providing more wood for all uses, while improving forest conservation

Requested by the French delegation

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

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

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

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

(e) Electronic identification of sheep and goats

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

The Council took note of the proposal made by the Hungarian and Slovak delegations, supported by the Belgian, Bulgarian, Irish, Polish delegations and, for young animals, Czech and Romanian delegations, to keep electronic identification of sheep and goats optional after 31 December 2009 ([15862/09](#)).

The Austrian delegation called for an appropriate solution without jeopardising the overall purpose of traceability.

The German and Portuguese delegations, while pointing out the need to respect the calendar decided, indicated that it should be possible to find an appropriate solution for young animals to be slaughtered immediately in another Member State.

The United Kingdom delegation recalled the need to review the efficiency of the electronic identification system following its full implementation.

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

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

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

Requested by the French delegation ([16301/09](#))

The Council took note of information provided by the Commission concerning the WTO Ministerial Conference (to be held from 30 November to 2 December) which takes place every other year in Geneva.

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

Presentation by the Commission

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

The United-Kingdom delegation expressed its full support to the activities announced by the Commission aiming at reducing incidental catches of seabirds and called for a normal Community plan of action including legislative measures.

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

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

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

Seabirds are often caught in fishing gear and often die as a result. This is the subject of great concern at both the Community and the global level.

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

Requested by the Italian delegation

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

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

Italy may vote against a transposition of this recommendation into Community law.

OTHER ITEMS APPROVED

AGRICULTURE

Obsolete acts removed from current legislation

The Council adopted two regulations repealing obsolete legislation in the field of agriculture ([13519/09](#) + [13521/09](#)).

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

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

- extending to dairy the "disturbance clause" which already exists for other farm sectors, to allow a quicker response to future market disturbances, if prices fall or rise;
- changing the operation of the quota buy-up scheme for the 2009/2010 and 2010/2011 milk years. If a Member State decides to make use of this scheme, bought up quota kept in the national reserve should no longer count as part of the national quota when it comes to deciding whether a superlevy is to be paid at EU level or not. If a superlevy is then collected, the part corresponding to the bought-up quota can be allocated at national level for restructuring the sector.

The proposals ([14270/09](#)) is part of the initiatives taken by the EU to stabilise the European dairy market and welcomed by the European Council conclusions of 30 October 2009 which also encouraged the Council to continue responding to the challenges facing the dairy sector. ([15265/09](#), point 34).

The Commission representative took this opportunity to confirm the continued positive evolution of the dairy market as witnessed by the increase in farm gate milk prices, in the prices of butter price and skimmed milk powder - respectively 29% and 23% above the intervention level - and in cheese prices. She indicated that a similar favourable trend was also observed on external markets and justified the Commission's decision made earlier during the week to set at zero the remaining refunds in the sector.

Hygiene - Council conclusions

The Council adopted conclusions on a Report from the Commission to the Council and the European Parliament on the experience gained from the application of the so called "Hygiene Package"¹ set out in document [14299/09](#) + [14299/09 ADD 1](#).

FISHERIES

Agreement on port state measures

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

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

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

Control system for the Common Fisheries Policy

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

¹ Hygiene Regulations Regulations (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004

The new regulation includes the following provisions:

Control and monitoring

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

Sanctions

- introduction of harmonised deterrent sanctions;
- penalty point system for infringements committed by masters, operators or beneficial owners of a fishing permit;
- possibility of suspending or reducing EU financial assistance should a member state fail to comply with CFP rules;
- closures of fisheries on the Commission's initiative;

- more flexibility for the Commission to proceed with deductions from quotas in cases of poor quota management.

Inspection powers

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

Cooperation among member states and coordinating authority

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

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

Baltic Sea - Fishing quotas for 2010

The Council adopted a regulation fixing the fishing opportunities and associated conditions applicable for certain Baltic Sea fish stocks for 2010 ([15037/09](#) [15319/2/09 ADD1 REV 2](#) and [15319/2/09 ADD1 REV 2 COR2](#)).

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

The main changes in terms of reduction, increase or roll-over of TACs as compared to 2009 are summarised in the table below:

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

Legend:

Clupea harengus: herring
Gadus morhua: cod
Pleuronectes platessa: plaice
Salmo salar: Atlantic salmon
Sprattus sprattus: sprat

* AC expressed as number of individuals
** a **negative percentage** indicates a **reduction** in the TAC, a **positive** one indicates an **increase** in the TAC and 0 means a roll-over.

In accordance with the multiannual plan applicable to stocks of Baltic **cod** adopted on 18 September 2007, the Council endorsed a **15 % increase** in the TACs in the **Eastern** Baltic, in view of the marked improvement in the stock status and a **8 % increase** in the **Western** Baltic, where the species is still vulnerable.

For herring, the regulation **increases** the TAC by **25 %** for the **Eastern** Baltic, **reduces** it by **16,5 %** for the **Western** Baltic, and keeps it the same in the **Gulf of Riga**.

Measures to limit fishing effort include, in particular:

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

EXTERNAL RELATIONS

EU border assistance mission for the Rafah crossing point

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

¹ Except for April.

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

BUDGET

EU budget for 2010 - Council's second reading

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

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

INTERNAL MARKET

Cosmetic products

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

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

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

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

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

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

INSTITUTIONAL AFFAIRS

EPSO - Council conclusions

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

TELECOMMUNICATIONS

Better regulation directive

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

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

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

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

ENERGY

Labelling of tyres

The Council adopted a regulation on the labelling of tyres with respect to fuel efficiency and other essential parameters. The aim of this regulation is to increase the safety and the economic and environmental efficiency of road transport by promoting fuel-efficient and safe tyres with low noise levels. Tyres, mainly because of their rolling resistance, account for 20 % to 30 % of the fuel consumption of vehicles ([14639/09](#) + [14639/09 ADD1](#) + [14639/09 ADD 1 COR 1](#), [15360/09](#) + [15360/09 ADD 1](#)).

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

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