



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 May 2009

10399/09

PUBLIC 68

NOTE

Subject : MONTHLY SUMMARY OF COUNCILS ACTS APRIL 2009

This document consists of the following:

- ANNEX I containing a list of acts adopted by the Council in April 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 APRIL 2009**

**Adoption of legislative acts following the European Parliament's second reading under the
codecision procedure (Brussels, 1 to 2 April 2009)**

*Regulation of the European Parliament and of the Council on Community statistics relating to
external trade with non-member countries and repealing Council Regulation (EC) No 1172/95*
PE-CONS 3638/09

*Regulation of the European Parliament and of the Council laying down Community procedures for
the establishment of residue limits of pharmacologically active substances in foodstuffs of animal
origin, and repealing Regulation (EEC) No 2377/90*
PE-CONS 3627/09

**2936th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS),
held in Luxembourg on 6 April 2009**

*Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal
Records Information System (ECRIS) in application of Article 11 of Framework Decision
2009/315/JHA*
OJ L 93, 7.4.2009, p. 33–48

Council Decision of 6 April 2009 establishing the European Police Office (Europol)
OJ L 121, 15.5.2009, p. 37–66

*Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for
bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and
repealing Regulation (EC) No 1559/2007*
OJ L 96, 15.4.2009, p. 1–30

*Regulation of the European Parliament and of the Council concerning the supplementary
protection certificate for medicinal products (codified version) (Text with EEA relevance)*
PE-CONS 3602/3/09 REV 3

*Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to
improve and extend the greenhouse gas emission allowance trading scheme of the Community
(Text with EEA relevance)*
PE-CONS 3737/3/08 REV 3

*Decision of the European Parliament and of the Council on the effort of Member States to reduce
their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction
commitments up to 2020*
PE-CONS 3738/2/ REV 2

Directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (Text with EEA relevance)

PE-CONS 3739/3/08 REV 3

Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

PE-CONS 3736/2/08 REV 2

Directive of the European Parliament and of the Council mending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance)

PE-CONS 3740/3/08 REV 3

Regulation of the European Parliament and of the Council setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles (Text with EEA relevance)

PE-CONS 3741/2/08 REV 2

2009/370/EC: Council Decision of 6 April 2009 on the accession of the European Community to the Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001

OJ L 121, 15.5.2009, p. 3–36

Council Conclusions on the development of the SIRENE Bureaux in the framework of the Schengen Information System

8107/09 + COR 1 (pt)

Council Decision 2009/323/JHA of 6 April 2009 adjusting the basic salaries and allowances applicable to Europol staff

OJ L 95, 9.4.2009, p. 46–47

Council Decision on the signing and provisional application of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver

7514/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu)

Council Decision on the signing and provisional application of the Agreement between the European Community and Barbados on the short-stay visa waiver

7518/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu)

Council Decision on the signing and provisional application of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver

7520/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu)

Council Decision on the signing and provisional application of the Agreement between the European Community and the Commonwealth of The Bahamas on the short-stay visa waiver
7522/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 2 (ee) + COR 3 (fi) + COR 4 (pl)
+ COR 5 (nl) + COR 6 (hu)

Council Decision on the signing and provisional application of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver
7526/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu)

Council Decision on the signing and provisional application of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver
7528/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + REV 2 (sl) + COR 2 (sv) + COR 3 (pt)
+ COR 4 (pl) + COR 5 (nl) + COR 6 (hu) + COR 8 (da)

Council Common Position 2009/314/CFSP of 6 April 2009 amending Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus, and repealing Common Position 2008/844/CFSP
OJ L 93, 7.4.2009, p. 21–22

Council Conclusions on establishing the EU - Belarus Human Rights Dialogue
8124/09

Council Regulation amending Council Regulation (EC) No 1858/2005 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating, inter-alia, in India
7662/09 + COR 1 (de)

Council Regulation amending Regulation (EC) No 1212/2005 imposing a definitive anti-dumping duty on imports of certain castings originating in the People's Republic of China
7617/09

Council Decision concerning the conclusion of consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement
7857/1/09 REV 1

Council Decision concerning the conclusion of the additional protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union
16447/08

Council Decision on the position to be adopted by the European Community within the ACP-EC Council of Ministers regarding a decision to revise Annex II to the Cotonou ACP-EC Partnership Agreement
7279/09

Council Decision establishing the position to be adopted on behalf of the European Community with regard to proposals for amending Annexes A, B and C to the Stockholm Convention at the fourth meeting of the Conference of the Parties on 4 – 8 May 2009
6617/1/09 REV 1

Written procedure completed on 7 April 2009

Council Regulation (EC) No 284/2009 of 7 April 2009 amending Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund concerning certain provisions relating to financial management
OJ L 94, 8.4.2009, p. 10–12

Written procedure completed on 16 April 2009

Council Regulation (EC) No 319/2009 of 16 April 2009 clarifying the scope of the definitive anti-dumping duties imposed by Regulation (EC) No 85/2006 on imports of farmed salmon originating in Norway
OJ L 101, 21.4.2009, p. 1–4

2937th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Luxembourg on 23 and 24 April 2009

Directive of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community (Text with EEA relevance)
PE-CONS 3732/3/08 REV 3

Decision of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of dichloromethane (Text with EEA relevance)
PE-CONS 3610/1/09 REV 1

Directive of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea (recast) (Text with EEA relevance)
PE-CONS 3715/1/08 REV 1

Directive of the European Parliament and of the Council on safety rules and standards for passenger ships (recast) (Text with EEA relevance)
PE-CONS 3710/3/08 REV 3

Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast) Text with EEA relevance
OJ L 122, 16.5.2009, p. 28–44

Council Conclusions on the Application by Montenegro for membership of the European Union
8260/01/09 REV 1

Council Conclusions on the Special Report N° 10/2008 concerning EC Development Assistance to Health Services in Sub-Saharan Africa together with the Commission's replies
8162/09

Position of the European Union for the Fifth meeting of the EU-Egypt Association Council (Luxembourg, 27 April 2009)
8725/1/09 REV 1

Council Conclusions on a European Community Action Plan for the Conservation and Management of Sharks
7723/09

2938th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 27 April 2009

Decision of the European Parliament and of the Council amending the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management as regards the multiannual financial framework
8623/09

Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States
PE-CONS 3606/1/09 REV 1

Directive of the European Parliament and of the Council amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (Text with EEA relevance)
PE-CONS 3742/3/08 REV 3

Position of the European Union for the sixth EU–Russia Permanent Partnership Council (Foreign Ministers), to be held in Luxembourg on 28 April 2009
8643/09

Council Common Position 2009/351/CFSP of 27 April 2009 renewing restrictive measures against Burma/Myanmar
OJ L 108, 29.4.2009, p. 54–85

Council Statement on the Comprehensive Nuclear-Test-Ban Treaty (CTBT)
8933/09

Council Conclusions on Iran
8940/09

Council Conclusions on Special Report No 12/2008 by the Court of Auditors concerning the Instrument for Structural Policies for Pre-accession (ISPA), 2000-2006
7803/09

Council Decision of 27 April 2009 implementing Common Position 2008/369/CFSP concerning restrictive measures against the Democratic Republic of the Congo
OJ L 106, 28.4.2009, p. 60–70

Council Opinion on the updated stability programme of Cyprus
8325/1/09 REV 1

2009/353/EC: Council Decision of 27 April 2009 establishing the position to be adopted on behalf of the Community within the Food Aid Committee as regards the extension of the Food Aid Convention 1999
OJ L 109, 30.4.2009, p. 41–41

Position of the European Union for the 5th meeting of the Stabilisation and Association Council with Croatia (Luxembourg, 27 April 2009)
8791/09

Council Decision adjusting the allowances provided for in Decision 2003/479/EC and Decision 2007/829/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council
8452/09 + COR 1 (mt)

2939th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 27 and 28 April 2009

Council Conclusions on Burma/Myanmar
8838/09

Council Conclusions on Sri Lanka
9156/09

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Adoption of legislative acts following the European Parliament's second reading under the codecision procedure (Brussels, 1 to 2 April 2009) Regulation of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 Regulation of the European Parliament and of the Council laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, and repealing Regulation (EEC) No 2377/90 2936th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 6 April 2009 Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA			
	PE-CONS 3638/09	not applicable	not applicable
	PE-CONS 3627/09	not applicable	not applicable
	14571/08 + COR 1 (fr) + REV 1 (cs)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement of the Czech Republic The Czech Republic states that it respects the choice of the Council to establish a procedure according to which any modification of reference tables of offences and sanctions annexed to this decision shall be adopted by the Council acting by a qualified majority and after having consulted the European Parliament, as provided for in Article 34 (2) (c) TEU in connection with Article 39 (1) TEU. Accordingly the Czech Republic states that the respective procedure is being established with a view to the particular nature of the reference tables and shall be without prejudice to the procedure provided for in Article 34 (2) (c) TEU requiring unanimity in the Council for the adoption of decisions and modifications thereof.			
Council Decision establishing the European Police Office (Europol)	8706/3/08 REV 3 + REV 3 COR 1 (fi) + REV 3 COR 2 + REV 3 COR 3 (it) + REV 4 (da) + REV 4 COR 1 (da)	Qualified majority	All Member States in favour
Commission Statement The Commission recalls that, in the financial framework 2007-2013, the integration of Europol in the EU budget was foreseen only as from 2010. The new Article 60 §5 of the draft Council decision states that the transitory costs incurred by Europol shall be borne by the Community budget as early as 2009. The Commission stresses that Point 47 of the Interinstitutional Agreement (IIA) on budgetary discipline and sound financial management of May 2006, requires the agreement of the budgetary authority on the financing of any new agency from the EU budget.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement of the Czech Republic The Czech Republic states that it regards the Council's act of unanimously adopting the Council Decision establishing the European Police Office (Europol) as the expression of consent of all Parties to the Convention Based of Article K.3 of the Treaty on European Union, on the Establishment of a European Police Office (Europol Convention); the Protocol drawn up on the Basis of Article K.3 of the Treaty on European Union and Article 41 (3) of the Europol Convention, on the Privileges and Immunities of Europol, the Members of its Organs, the Deputy Directors and Employees of Europol; and the Protocol drawn up on the Basis of Article K.3 of the Treaty on European Union on the Interpretation, by way of Preliminary Rulings, by the Court of Justice of the European Communities on the Convention on the Establishment of a European Police Office to the termination of the above treaties in the sense of Article 54 b) of the Vienna Convention on the Law of Treaties.			
Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007	7116/09 + COR 1 + COR 2 (nl) + COR 4 (fr) + COR 5 (nl) + REV 1 (lt) + REV 2 (fi)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission Statement Re: Article 36 - "Growth factors for fattened or farmed tuna" The Commission is willing to cooperate closely with Member States towards the establishment of harmonised growth factors to be applied to bluefin tuna fattened or farmed in the cages. Commission Statement Re: Article 6 - "Farming and fattening capacity measures" (FIFG) In the context of the preparation of the closure of the FIGF programmes 2000-2006, the Commission is ready to provide guidance on the interpretation of Article 30.4 of Regulation 1260/1999 to take into account the situation of enterprises that have received funding through FIGF and that will be affected by the implementation of the bluefin tuna Recovery Plan or other national or Community measures. Commission Statement Re: Article 6 "Farming and fattening capacity measures" (EFF) The Commission declares that enterprises that will be affected by the implementation of the bluefin tuna Recovery Plan and that are willing to convert their facilities, partly or as a whole, to conventional aquaculture methods for the production of other species may benefit from EFF funding under the conditions set by Regulation 1198/2006. Commission Statement Re: Article 5 "Fishing capacity measures" and Article 6 "Farming and fattening capacity measures" When monitoring the application of articles 5 and 6 the Commission will take into account the provisions of article 5 paragraph 6.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission Statement Re: Article 5 "Fishing capacity measures" The Commission deems that the reduction of fishing capacity needs to be effective, definitive and can be verified. This reduction of fishing capacity will be achieved by scrapping of the vessels concerned or by their real and definitive reconversion. In this respect, the Commission considers that the withdrawal of vessels' authorisations to fish for bluefin tuna will be considered as a complementary measure to reduce fishing capacity in the context of the ICCAT bluefin tuna Recovery Plan provided that Member States certify that these vessels have authorisations to fish for other species in line with sustainability aims of the CFP and are not equipped with nets or other gears for bluefin tuna.			
Regulation of the European Parliament and of the Council concerning the supplementary protection certificate for medicinal products (codified version) (Text with EEA relevance)	PE-CONS 3602/3/09 REV 3	Qualified majority	All Member States in favour
Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (Text with EEA relevance)	PE-CONS 3737/3/08 REV 3	Qualified majority	All Member States in favour
UK Statement Regarding the legal base The UK notes that the adoption of the Directive on the sole legal base of Article 175(1) of the Treaty establishing the European Community (TEC) is inappropriate for a measure which contains significant provisions on fiscal policy. In line with observations the UK has made in similar circumstances previously, the UK continues to take the view that where EC legislation includes fiscal measures the legal base should include, either solely or, where appropriate, jointly, one of the Treaty articles dealing with fiscal issues. In this case the UK takes the view that Article 175(2) TEC should have been included as a legal base for the Directive.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission Statement re Article 10(3) on the use of revenues generated from the auctioning of allowances Between 2013 and 2016, Member States may also use revenues generated from the auctioning of allowances to support the construction of highly efficient power plants, including new energy power plants that are CCS-ready. For new installations exceeding the degree of efficiency of a power plant according to Annex 1 to the Commission Decision of 21 December 2006 (2007/74/EC) ¹ the Member States may support up to 15 % of the total costs of the investment for a new installation that is CCS-ready. Commission Statement re Article 10a(6) on the Community guidelines for state aid for environmental protection and the EU emissions trading system Member States may deem it necessary to compensate temporarily certain installations from CO2 costs passed on in electricity prices if the CO2 costs might otherwise expose them to the risk of carbon leakage. In the absence of an international agreement, the Commission undertakes to modify after consulting Member States the Community guidelines on state aid for environmental protection by the end of 2010 to establish detailed provision under which Member States may grant state aid for such support. The provisions will follow the principles as presented in the document submitted to the European Parliament and the Council on 19 November 2008 (Annex II to 15713/1/08). The Commission will monitor the situation, particularly in the light of the state of interconnection in the Baltic energy market and will report by the end of 2015.			
Decision of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020	PE-CONS 3738/2/08 REV 2	Qualified majority	All Member States in favour

¹ Commission Decision of 21 December 2006 establishing harmonised efficiency reference values for separate production of electricity and heat in application of Directive 2004/8/EC of the European Parliament and of the Council (*notified under document number C(2006) 6817*).

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (Text with EEA relevance)	PE-CONS 3739/3/08 REV 3	Qualified majority	All Member States in favour
Statement by the Commission on latest developments in deployment of CCS technologies From 2010 the Commission will regularly report on latest developments in deployment of CCS technologies within its activities related to running the network of CCS demonstration projects. This reporting will include information on the progress on the CCS demo plants deployment, progress of CCS technologies development, cost estimates and the development of CO2 transport and storage infrastructure. Statement by the Commission on draft permit decisions and on draft decisions of transfer pursuant to Articles 10 (1) and 18 (2) of the Directive The Commission will publish all opinions on draft permit decisions pursuant to Article 10 (1) of the Directive, and on draft decisions of transfer pursuant to Article 18 (2). The published version of the opinions will, however, display no information whose confidentiality is warranted under the exceptions to public access to information under Regulations (EC) Nos 1049/2001 and 1367/2006 concerning respectively public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the Commission on whether carbon dioxide should be a named substance with suitable thresholds in a revised Seveso-Directive CO2 is a common substance and currently not classified as dangerous. CO2 transport and storage sites are therefore at the moment not included in Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (Seveso-Directive). On the basis of the Commission's preliminary analysis of the available information, for CO2 transport, both empirical and modelled evidence for pipeline transport would seem to indicate that the risks presented are no higher than for pipeline transport of natural gas. The same would seem to be true for ship transport of CO2 as compared with ship transport of liquefied natural gas or liquefied petroleum gas. The indications are also that the accident hazard posed by a CO2 storage site, whether from rupture at injection or from post-injection leakage, is unlikely to be significant. However, the case for considering CO2 as a named substance under the Seveso-Directive will be considered in more detail when developing the proposed revision of the Directive, scheduled for late 2009/early 2010. Should the assessment identify a relevant potential accident hazard, the Commission will make proposals to include CO2 as a named substance with suitable thresholds in the revised Seveso-Directive. In that case, the Commission would also propose changes to Annex III to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (Environmental Liability Directive) as appropriate to ensure that all Seveso installations handling supercritical CO2 are covered under the Environmental Liability Directive.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the Commission on mineral sequestration of CO₂ Mineral sequestration of CO₂ (the fixation of CO₂ in the form of inorganic carbonates) is a potential climate abatement technology which could in principle be used by the same categories of industrial installation as can use geological storage of CO₂. However, it is at present still in the development stage. In addition to the energy penalty¹ associated with capturing CO₂, there is currently a substantial energy penalty associated with the mineral carbonation process itself, which will require to be addressed before commercial implementation can be envisaged. As with geological storage, the controls required to ensure the environmental safety of the technology would also have to be established. These controls are likely to be substantially different from those for geological storage, given the fundamental differences between the technologies. In the light of these considerations, the Commission will follow closely the technical progress with mineral sequestration, with a view to developing an enabling legal framework to allow for environmentally-safe mineral sequestration and its recognition under the Emissions Trading System, when the technology has reached an appropriate state of development. Given the interest in the technology among Member States and the pace of technological change, a first assessment is likely to be appropriate towards 2014, or earlier if circumstances warrant.			
Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC	PE-CONS 3736/2/08 REV 2	Qualified majority	All Member States in favour
UK Statement Regarding the Legal Base The UK takes the view that the adoption of the Directive on the legal base of Article 175(1) of the Treaty establishing the European Community (TEC) is to be without prejudice to the future application of Article 175(2) TEC including in particular for measures containing provisions on fiscal policy.			

¹ 'Energy penalty' is the term used to express the fact that a plant applying CO₂ capture or mineralisation uses some of its energy for those processes, and so needs more energy than a plant of equivalent output without capture/mineralisation.

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the Commission relating to Article 2(e): The Commission is of the view that for the purposes of this Directive, the term "industrial and municipal waste" may include waste denominated as "commercial waste". Statement by the Commission relating to Article 23(8), second subparagraph, second indent: The Commission is of the view that the reference to the target of 20% in Article 23(8), second subparagraph, second indent will not be construed in a way different to Article 3(1) of the Directive. Statement by the Commission relating to Article 23(8)(c), (9) and (10): The Commission acknowledges that some Member States already in 2005 have achieved a high share of renewable energy at national level. When establishing the reports referred to in Article 23(8)(c), (9) and (10), the Commission will, as part of its assessment of the best cost-benefit basis, take due account of marginal costs of increasing the share of renewable energies and will include, as appropriate, adequate solutions also for such Member States in any proposal put forward in accordance with the abovementioned Article of the Directive. Statement by the Commission relating to Annex VII: The Commission will seek to advance the development of the guidelines referred to in Annex VII of the Directive by 2011 and will cooperate with Member States to develop the data and the methodologies needed to estimate and monitor the contribution of heat pumps to the fulfilment of the objectives of the Directive. The guidelines will provide for corrections to Seasonal Performance Factor (SPF) values used to assess the inclusion of heat pumps not driven by electricity to take account of the fact that the primary energy needs of such heat pumps are not affected by the efficiency of the power system. In preparing these guidelines the Commission will also evaluate the feasibility of providing for a methodology under which the SPF value used to assess the inclusion of any given heat pump is based on average EU climate conditions.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Directive of the European Parliament and of the Council mending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance)	PE-CONS 3740/3/08 REV 3	Qualified majority	All Member States in favour
Commission Statement The Commission confirms that the 2 % reductions mentioned in Article 7a(2), letter b) and c), are not binding and that the review will address their non-binding character.			
Regulation of the European Parliament and of the Council setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles (Text with EEA relevance)	PE-CONS 3741/2/08 REV 2	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission Statement The Commission confirms that in 2009 it intends to propose a revision of Directive 1999/94/EC relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars. This is to ensure that consumers receive appropriate information about the CO2 emissions of new passenger cars. The Commission will by 2010 review Directive 2007/46/EC so that the presence of innovative technologies ("eco-innovations") in a vehicle and their impact on the vehicle's specific emissions of CO2 can be communicated to the Member State authorities responsible for monitoring and reporting in accordance with the Regulation. The Commission will also consider preparing and implementing requirements for cars to be fitted with fuel economy meters as a means to encourage more fuel-efficient driving. In this context, the Commission will consider modifying the framework type approval legislation and adopting the necessary technical standards by 2010. The Commission is, however, committed to the aims of its Better Regulation initiative and the need for proposals to be underpinned by a comprehensive assessment of the impacts and benefits. In this regard and in accordance with the Treaty establishing the European Community, the Commission will continue to evaluate the need to bring forward new legislative proposals but reserves its right to decide if and when it would be appropriate to present any such proposal.			
Written procedure completed on 7 April 2009			
Council Regulation (EC) No 284/2009 of 7 April 2009 amending Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund concerning certain provisions relating to financial management	17575/08 + REV 1 (da) + REV 3 (el) + REV 4 (ro) + COR1 (lt)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the Portuguese delegation Aware of the importance of this proposal as regards the European Union's response to the economic crisis and the need to revive growth and investment in all the Member States, the Portuguese delegation hereby states that it can agree to the above proposal for a Regulation. Without prejudice to that vote in favour, Portugal feels it must have it recorded, as it did in this connection at COREPER's meeting on 23 December, that it considers that the amendments now under consideration are insufficient for dealing with the present economic and financial crisis. Mitigation of the effects of the international economic crisis requires a high degree of consultation amongst the Member States in the implementation of pro-active measures to prepare for and accelerate the physical and financial implementation of the investment projects encouraged under the National Strategic Frame of Reference. In this context, Portugal continues to believe that new flexibility and simplification measures could be considered, specifically as regards the common provisions regarding payments, relating to pre-financing, intermediary payments or even the calculation rules applicable to projects that generate income.			
2937th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Luxembourg on 23 and 24 April 2009			
Directive of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community (Text with EEA relevance)	PE-CONS 3732/3/08 REV 3	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Decision of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of dichloromethane (Text with EEA relevance)	PE-CONS 3610/1/09 REV 1	Qualified majority	All Member States in favour, except: abstention: MT
Directive of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea (recast) (Text with EEA relevance)	PE-CONS 3715/1/08 REV 1	Qualified majority	All Member States in favour
Directive of the European Parliament and of the Council on safety rules and standards for passenger ships (recast) (Text with EEA relevance)	PE-CONS 3710/3/08 REV 3	Qualified majority	All Member States in favour
Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast) Text with EEA relevance	PE-CONS 3731/2/08 REV 2	Qualified majority	All Member States in favour
2938th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 27 April 2009			
Decision of the European Parliament and of the Council amending the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management as regards the multiannual financial framework	8623/09	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States	PE-CONS 3606/1/09 REV 1	Qualified majority	All Member States in favour
Joint Statement by the European Parliament and the Council concerning the need to increase the security of passports and travel documents by using secure breeder documents Without prejudice to the competence of the Member States to issue passports and other travel documents, the European Parliament and the Council underline that the objective of enhancing the security of passports may be undermined if passports are issued on the basis of unreliable "breeder documents". The passport in itself is only one link of a security chain starting from the presentation of the breeder documents, to the enrolment of biometric data and ending with the matching at the border check points. This chain will only be as secure as its weakest link. The European Parliament and the Council note that there is a great diversity of situations and procedures in the Member States regarding which "breeder documents" should be produced in order to request the issuing of a passport and that normally these documents have less security features than the passport in itself, and are more likely to be subjected to forgery and counterfeiting. The Council will therefore prepare a questionnaire for the Member States in order to be able to compare the procedures and which documents are required in each Member State in order to issue a passport or travel document. This analysis should assess the possible need for the creation of common principles or guidelines on best practice in this area. Joint Statement by the European Parliament and the Council concerning the study referred to in Article 5a The European Parliament and the Council note that the Commission will carry out one single study for the purpose of Article 5a of this Regulation and Article 2 of the [draft] Regulation amending the Common Consular Instructions.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS APRIL 2009			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Directive of the European Parliament and of the Council amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (Text with EEA relevance)	PE-CONS 3742/3/08 REV 3	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
2936th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 6 April 2009 2009/370/EC: Council Decision of 6 April 2009 on the accession of the European Community to the Convention on international interests in mobile equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001 15013/08 + COR 1 + COR 2 (nl) + REV 1 (sk) + REV 2 (sl) + REV 3 (lt) Declarations by the Council and the Commission 1. The Council and the Commission declare that the accession of the Community to the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001, is without prejudice to the competence of the Member States concerning the rules of substantive law as regards insolvency. The Member States will make no declaration but remain competent to amend the area of national insolvency law falling within Article XXX(3) of that Protocol. This competence is unaffected as a result of the Community's decision not to make either of the declarations permitted under that provision. 2. The declarations to be made by the Community, at the time of accession to the Convention, pursuant to Article 55 of the Cape Town Convention, will be made without prejudice to the possibility for a Member State to apply the provisional measures mentioned in Article 13 of that Convention, in accordance with its national law and pursuant to Article 31 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters¹..	

¹ OJ L 12, 16.1.2001, p. 1.

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
Council Conclusions on the development of the SIRENE Bureaux in the framework of the Schengen Information System 8107/09 + COR 1 (pt) Council Decision 2009/323/JHA of 6 April 2009 adjusting the basic salaries and allowances applicable to Europol staff 14479/08 Council Decision on the signing and provisional application of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver 7514/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu) Council Decision on the signing and provisional application of the Agreement between the European Community and Barbados on the short-stay visa waiver 7518/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu) Council Decision on the signing and provisional application of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver 7520/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu) Council Decision on the signing and provisional application of the Agreement between the European Community and the Commonwealth of The Bahamas on the short-stay visa waiver 7522/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 2 (ee) + COR 3 (fi) + COR 4 (pl) + COR 5 (nl) + COR 6 (hu)	

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
Council Decision on the signing and provisional application of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver 7526/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + COR 3 (nl) + COR 4 (hu) Council Decision on the signing and provisional application of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver 7528/09 + COR 1 + REV 1 (ro) + REV 1 COR 1 (ro) + REV 2 (sl) + COR 2 (sv) + COR 3 (pt) + COR 4 (pl) + COR 5 (nl) + COR 6 (hu) + COR 8 (da) Council Common Position 2009/314/CFSP of 6 April 2009 amending Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus, and repealing Common Position 2008/844/CFSP 7713/09 Council Conclusions on establishing the EU - Belarus Human Rights Dialogue 8124/09 Council Regulation amending Council Regulation (EC) No 1858/2005 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating, inter-alia, in India 7662/09 + COR 1 (de) Council Regulation amending Regulation (EC) No 1212/2005 imposing a definitive anti-dumping duty on imports of certain castings originating in the People's Republic of China 7617/09	

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
Council Decision concerning the conclusion of consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement 7857/1/09 REV 1 Council Decision concerning the conclusion of the additional protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union 16447/08 Council Decision on the position to be adopted by the European Community within the ACP-EC Council of Ministers regarding a decision to revise Annex II to the Cotonou ACP-EC Partnership Agreement 7279/09 Council Decision establishing the position to be adopted on behalf of the European Community with regard to proposals for amending Annexes A, B and C to the Stockholm Convention at the fourth meeting of the Conference of the Parties on 4 – 8 May 2009 6617/1/09 REV 1	

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
Written procedure completed on 16 April 2009 Council Regulation (EC) No 319/2009 of 16 April 2009 clarifying the scope of the definitive anti-dumping duties imposed by Regulation (EC) No 85/2006 on imports of farmed salmon originating in Norway 7961/09 + COR 1 (fi) + REV 1 (lt) 2937th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Luxembourg on 23 and 24 April 2009 Council Conclusions on the Application by Montenegro for membership of the European Union 8260/01/09 REV 1 Declaration by the European Commission The Commission intends to submit its opinion in the course of 2010. Council Conclusions on Special Report N° 10/2008 concerning EC Development Assistance to Health Services in Sub-Saharan Africa together with the Commission's replies 8162/09 Position of the European Union for the Fifth meeting of the EU-Egypt Association Council (Luxembourg, 27 April 2009) 8725/1/09 REV 1	

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
Council Conclusions on a European Community Action Plan for the Conservation and Management of Sharks 7723/09 2938th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 27 April 2009 Position of the European Union for the sixth EU–Russia Permanent Partnership Council (Foreign Ministers), to be held in Luxembourg on 28 April 2009 8643/09 Council Common Position 2009/351/CFSP of 27 April 2009 renewing restrictive measures against Burma/Myanmar 8348/09 + COR 1 + COR 2 Council Conclusions on Iran 8940/09 Council Conclusions on Special Report No 12/2008 by the Court of Auditors concerning the Instrument for Structural Policies for Pre-accession (ISPA), 2000-2006 7803/09 Council Decision implementing Common Position 2008/369/CFSP concerning restrictive measures against the Democratic Republic of the Congo 7765/09	

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
Council Opinion on the updated stability programme of Cyprus 8325/1/09 REV 1 2009/353/EC: Council Decision of 27 April 2009 establishing the position to be adopted on behalf of the Community within the Food Aid Committee as regards the extension of the Food Aid Convention 1999 8229/09 Position of the European Union for the 5th meeting of the Stabilisation and Association Council with Croatia 8791/09 Council Decision adjusting the allowances provided for in Decision 2003/479/EC and Decision 2007/829/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council 8452/09 + COR 1 (mt) Statement by Denmark Denmark recalls its opposition in principle to the method of adjusting the remuneration and pensions of EU officials, given the high level of salaries in the EU institutions. Denmark is voting against the proposal. Council Decision on certain administrative bodies provided for in Article 9 of the Staff Regulations 8488/09 + COR 1 (mt) + COR 2	

INFORMATION ON THE ADOPTION OF OTHER ACTS APRIL 2009	
OTHER ACTS	Votes/Statements made public
Council Conclusions on Burma/Myanmar 8838/09 Council Conclusions on Sri Lanka 9156/09	