



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 February 2009

**16148/2/08
REV 2**

PUBLIC 146

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS OCTOBER 2008

This document consists of the following:

- ANNEX I containing a list of acts adopted by the Council in October 2008.^{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 (available via the Internet: <http://consilium.europa.eu> , see under "Documents", "Legislative Transparency", "Council Minutes").

**LIST OF ACTS ADOPTED BY THE COUNCIL
IN OCTOBER 2008**

2893rd meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS), held in Luxembourg on 2 October 2008

Common Position (EC) No 26/2008 of 2 October 2008 adopted by the Council, acting in accordance with the procedure referred to in Article 251 of the Treaty establishing the European Community, with a view to the adoption of a Regulation of the European Parliament and of the Council on Community statistics on public health and health and safety at work (Text with EEA relevance)

OJ C 280E , 4.11.2008, p. 1–14

Decision No 1098/2008/EC of the European Parliament and of the Council of 22 October 2008 on the European Year for Combating Poverty and Social Exclusion (2010) Text with EEA relevance
OJ L 298, 7.11.2008, p. 20–29

EU Position for the third meeting of the EU-Russia Permanent Partnership Council on Energy (Paris, 8 October 2008)
13582/08

2008/784/EC: Council Decision of 2 October 2008 establishing a separate liability of Montenegro and reducing proportionately the liability of Serbia with regard to the long-term loans granted by the Community to the State Union of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia) pursuant to Decisions 2001/549/EC and 2002/882/EC
OJ L 269, 10.10.2008, p. 8–10

2894th meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS), held in Luxembourg on 7 October 2008

Council Decision on the position to be adopted by the Community within the Association Council established by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, with regard to the establishment of a tariff dismantling schedule for products appearing in Annex IV to the Association Agreement
12989/08

Council Conclusions on immediate responses to financial turmoil
13926/08

Council Conclusions on executive pay
13265/08

Council Conclusions on financial stability and financial supervision
13516/1/08 REV 1 + REV 1 COR 1

Council Conclusions on fight against tax fraud
12955/08 + COR 1 + COR 2 (de)

2895th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS and ENERGY), held in Luxembourg on 9-10 October 2008

Council Regulation (EC) No 1009/2008 of 9 October 2008 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers
OJ L 276, 17.10.2008, p. 1–2

Council Conclusions on the inclusion of the aviation sector in the EU ETS – participation of third countries
13648/01/08 REV 1

Council Resolution on the launch of the development phase of the SESAR programme
13621/1/08 REV 1

Council Conclusions on the implementation of the framework Directives on the energy labelling and ecodesign of energy-using products
13814/08

2896th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 13 October 2008

Council Conclusions on Court of Auditors Special Report No 6/2008 – "European Commission Rehabilitation Aid following the Tsunami and Hurricane Mitch"
13259/08

Council Decision concerning the conclusion of the Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)
10806/08

Council Decision 2008/814/CFSP of 13 October 2008 concerning the conclusion of an Agreement between the European Union and the United States of America on the participation of the United States of America in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO
OJ L 282, 25.10.2008, p. 32–32

Council Conclusions on the Republic of Moldova
14030/1/08 REV 1

Council Joint Action 2008/796/CFSP of 13 October 2008 amending the mandate of the European Union Special Representative for the South Caucasus
OJ L 272, 14.10.2008, p. 19–20

Declaration on Communicating Europe in Partnership
13712/08

European Union's position for the seventh meeting of the EU-Morocco Association Council
13653/08

Council Regulation (EC) No 1000/2008 of 13 October 2008 imposing a definitive anti-dumping duty on imports of sulphanilic acid originating in the People's Republic of China and India following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96
OJ L 275, 16.10.2008, p. 1–17

Council Regulation (EC) No 1010/2008 of 13 October 2008 imposing a definitive countervailing duty on imports of sulphanilic acid originating in India following an expiry review pursuant to Article 18 of Regulation (EC) No 2026/97 and a partial interim review pursuant to Article 19 of Regulation (EC) No 2026/97 and amending Regulation (EC) No 1000/2008 imposing a definitive anti-dumping duty on imports of sulphanilic acid originating in the People's Republic of China and India following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96
OJ L 276, 17.10.2008, p. 3–20

Council Regulation (EC) No 1001/2008 of 13 October 2008 imposing a definitive anti-dumping duty on imports of certain tube and pipe fittings, of iron or steel, originating in the Republic of Korea and Malaysia following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96
OJ L 275, 16.10.2008, p. 18–31

EU Position for the 9th meeting of the EU-South Africa Cooperation Council (Cape Town, 21 October 2008)
13773/08

Council Conclusions on the EU-Mexico strategic partnership
13224/08

Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union
13194/08

Council Regulation concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff
13198/08

2897th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 13 October 2008

Council Conclusions on Zimbabwe
13889/08

Council Conclusions on Belarus
14057/08

Council Conclusions on Uzbekistan
13904/08 + COR 1

Council Conclusions on Georgia / Russia
14026/08

Written procedure completed on 14 October 2008

Community position with a view to a joint statement by the signatory CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, on the signature of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part
14070/08

Community position with a view to a joint statement by the signatory CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, on the signature of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part
14074/08

2898th meeting of the Council of the European Union (ENVIRONMENT), held in Luxembourg on 20-21 October 2008

Council Decision on the granting of an emergency state aid by the authorities of Cyprus to mitigate the consequences of drought in 2007/2008 in the agricultural sector
13656/08 + COR 1 (hu)

Directive of the European Parliament and of the Council amending Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists
PE-CONS 3667/08 + COR 1 (de) + COR 2 (fi) + COR 3 (da) + COR 4 (hu)

Directive of the European Parliament and of the Council on the minimum level of training of seafarers (Recast)

PE-CONS 3649/08 + REV 1 (mt) + REV 2 (ro) + REV 3 (bg)

Directive of the European Parliament and of the Council on waste and repealing certain Directives

PE-CONS 3646/08 + REV 1 (pt) + REV 2 (da) + REV 3 (es) + REV 4 (fi)

Directive of the European parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC, and amending Directive 2000/60/EC

PE-CONS 3644/08 + COR 1

Directive 2008/12/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, as regards the implementing powers conferred on the Commission

OJ L 76, 19.3.2008, p. 39–40

Directive of the European Parliament and of the Council on road infrastructure safety management

PE-CONS 3652/08 + REV 1 (sv)

Regulation of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88

PE-CONS 3642/08 + COR 1 (el) + COR 2 (pl)

Council Decision concerning the further participation of the European Community in negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms under the Cartagena Protocol on Biosafety
13320/08

Council Decision on the approval, on behalf of the European Community, of the Protocol on Strategic Environmental Assessment to the 1991 UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context

13179/08

Council Decision on a Community position in the Joint Committee on the implementation of Article 66 of the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part

12941/08

Council Conclusions on Preparations for the 14th session of the Conference of the Parties (COP 14) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 4th session of the Meeting of the Parties to the Kyoto Protocol (CMP 4) (Poznań, 1 to 12 December 2008)

14017/08

Adoption of legislative acts following the European Parliament's second reading under the codecision procedure (Strasbourg, 20 to 23 October 2008)

Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work

OJ L 327, 5.12.2008, p. 9–14

2899th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 24 October 2008

Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime

OJ L 300, 11.11.2008, p. 42–45

Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption

OJ L 301, 12.11.2008, p. 38–39

Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS I+) to the second generation Schengen Information System (SIS II)

OJ L 299, 8.11.2008, p. 1–8

Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS I+) to the second generation Schengen Information System (SIS II)

OJ L 299, 8.11.2008, p. 43–49

Council Regulation amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology

13225/08

Directive of the European Parliament and of the Council on the protection of the environment through criminal law

PE-CONS 3639/08 + COR 1 (fi) + REV 1 (el)

Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community

PE-CONS 3657/08 + REV 1 (fi) + REV 2 COR 1 (fi) + REV 2 (lt)

Council Decision on the conclusion of a Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland

13831/1/08 REV 1

Council Decision concerning the conclusion of the Agreement between the European Union and Georgia on the status of the European Union Monitoring Mission in Georgia
13690/08

Council Recommendation on improving communication between operational units in border areas
13796/08

Position of the European Union for the fifth EU-Russia Permanent Partnership Council (Foreign Ministers), to be held in St Petersburg on 28 October 2008
14464/08

EU Annual Report on Human Rights 2008
14146/08

Council Decision on the release of information under the Agreement between the European Space Agency and the European Union on the security and exchange of classified information
13678/08

Council Decision on the adjustment of the allowances paid to members and alternate members of the European Economic and Social Committee
13975/08

Council Conclusion on "Barcelona Process: Union for the Mediterranean Conference of Ministers for Industry (Nice, 5-6 November 2008)"
14474/01/08 REV 1

Council Conclusions on setting up national alert platforms and a European alert platform for reporting offences noted on the Internet
14071/08

Council Conclusions on the principle of convergence and the structuring of internal security
14069/08

Council Conclusions on the situation of vulnerable adults and their cross-border legal protection
14034/08

Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the training of judges, prosecutors and judicial staff in the European Union
14106/08 + COR 1 + COR 2

2900th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Luxembourg on 27 and 28 October 2008

Directive of the European Parliament and of the Council amending Council Directive 79/409/EEC on the conservation of wild birds, as regards the implementing powers conferred on the Commission
PE-CONS 3666/1/08 REV 1

Regulation of the European Parliament and of the Council concerning livestock and meat statistics and repealing Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC
PE-CONS 3641/08 + COR 1 (de)+ REV 1 (lt)

Council Conclusions on Special Report No. 4/2008 of the European Court of Auditors concerning the implementation of milk quotas in the Member States which joined the European Union on 1 May 2004
14186/08

Council Common Position 2008/822/CFSP of 27 October 2008 concerning the temporary reception by Member States of the European Union of certain Palestinians
OJ L 285, 29.10.2008, p. 21–21

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
2893rd meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS), held in Luxembourg on 2 October 2008			
Common Position (EC) No 26/2008 of 2 October 2008 adopted by the Council, acting in accordance with the procedure referred to in Article 251 of the Treaty establishing the European Community, with a view to the adoption of a Regulation of the European Parliament and of the Council on Community statistics on public health and health and safety at work (Text with EEA relevance)	9815/3/08 REV 3	Qualified majority	All Member States in favour
Decision No 1098/2008/EC of the European Parliament and of the Council of 22 October 2008 on the European Year for Combating Poverty and Social Exclusion (2010) Text with EEA relevance	PE-CONS 3645/1/08 REV 1	Qualified majority	All Member States in favour
Statement by the Czech Republic, Cyprus, Latvia, Lithuania, Malta, Poland and Slovakia on the co-financing of actions undertaken within the framework of the European Year for Combating Poverty and Social Exclusion (2010) The Czech Republic, Cyprus, Latvia, Lithuania, Malta, Poland and Slovakia welcome the decision to designate the year 2010 as the European Year for Combating Poverty and Social Exclusion which should contribute to the achievement of the key goals of social protection and social inclusion policies.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
We believe that actions undertaken at national, regional and local levels are of crucial importance for effectively raising awareness of the benefits of an inclusive society and for drawing wider attention to Europe's commitment to the fight against poverty and social exclusion. This was one of the main reasons for entrusting the Member States with more important tasks and increased responsibilities for implementing the actions and activities of the European Year 2010. In this context, we consider that allocating a contribution of more than 50% from the EU budget to the co-financing of such actions with their specific aims would have been fully justified. We understand that the issue has a horizontal dimension that goes beyond the remit of the ministers for employment, social affairs and equal opportunities. Therefore, pending the adoption of a horizontal rule concerning the financing of future European Years, the financial provisions should be negotiated in the appropriate Council Working Groups, while taking into account the specific aims and priorities of each European Year. Statement by the Commission The Commission attaches the greatest importance to facilitating and supporting wide participation at all levels in activities connected with the 2010 European Year for Combating Poverty and Social Exclusion as a practical means of ensuring that its impact is positive and lasting. In accordance with the Decision on the European Year, the Commission will draw up common guidelines in the Strategic Framework Document (SFD) which will set the key priorities for the implementation of activities relating to the European Year, including minimum standards in terms of participation in national bodies and actions (<i>see Annex, Part II, point 2 of the Decision</i>). The SFD is addressed to the National Implementing Bodies (NIBs) responsible for defining the national programmes for the European Year and for selecting individual actions to be proposed for Community funding, and to other actors concerned. In that context, the Commission will underline the importance of facilitating access by all NGOs, including small and medium-sized organisations. With a view to ensuring the widest possible access, the NIBs can decide not to request any co-financing and instead to fully fund certain actions.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
2895th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS and ENERGY), held in Luxembourg on 9-10 October 2008 Council Regulation (EC) No 1009/2008 of 9 October 2008 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers Statement from the Commission The Court's interpretation in its judgment in Case C-45/05 is in principle retroactive and the currently proposed amendment to Article 138 of Regulation (EC) No 1782/2003 will apply only as from 1 January 2008. The question therefore arises as to how to handle claims for the payments referred to in Article 68 of Regulation (EC) No 1782/2003 for bovine animals in cases where the deadlines for sending notifications to the databases – at a given point in the animals' life – were not strictly respected. DG AGRI has asked the Commission's Legal Service for advice on this matter and their position is as follows: - As regards claims submitted up to 7 July 2007 (the date on which the judgment was published), the Legal Service rejects the idea that there could have been any difficulties in interpreting Article 138 of Regulation (EC) No 1782/2003, but considers that the animals for which notifications were late could be regarded as eligible in view of: - legitimate expectations on the part of the Member States having been created by DG AGRI's letter of 16 November 1999 to the Netherlands, which was also forwarded to the other Member States; and - the Commission's obligation to cooperate in good faith with the Member States. - As regards claims submitted between 7 July 2007 and 31 December 2007, the Legal Service rejects the possibility of a general justification which would enable the Commission to allow Member States to grant payments indiscriminately on the same basis as previously. On the other hand, the Legal Service maintains that a case-by-case analysis of the specific circumstances in a particular Member State may lead that Member State to grant payments where applying the Court's judgment to this period of several months would have disproportionate consequences and/or would lead to comparable situations being treated differently.	13355/08	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
In DG AGRI's view, such consequences may be assessed <u>in particular</u> with regard to: - the difference in treatment that would arise between farmers depending on whether claims were submitted before or after the date of publication of the Court's judgment; - the need to amend national rules, manuals of procedure and information leaflets; - the scale of IT adjustments needed to reconstruct all movements notified late in the course of animals' lives and inform the farmers concerned; and - the additional administrative burden entailed in checking the justifications provided by farmers regarding previous late notifications. The Member States are therefore asked to assess their particular situation before making coupled bovine support payments in order to make sure that their circumstances are compatible with the guidance from the Commission's Legal Service. This assessment should remain available for consultation by clearance of accounts officials during audits carried out in the course of their normal activity.			
2898th meeting of the Council of the European Union (ENVIRONMENT), held in Luxembourg on 20-21 October 2008			
Council Decision on the granting of an emergency state aid by the authorities of Cyprus to mitigate the consequences of drought in 2007/2008 in the agricultural sector	13656/08 + COR 1 (hu)	Unanimity	All Member States in favour except: abstention: DK, NL, SE, UK
Directive of the European Parliament and of the Council amending Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists	PE-CONS 3667/08 + COR 1 (de) + COR 2 (fi) + COR 3 (da) + COR 4 (hu)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Directive of the European Parliament and of the Council on the minimum level of training of seafarers (Recast)	PE-CONS 3649/08 + REV 1 (mt) + REV 2 (ro) + REV 3 (bg)	Qualified majority	All Member States in favour
Directive of the European Parliament and of the Council on waste and repealing certain Directives	PE-CONS 3646/08 + COR 1 (fr) + REV 1 (pt) + REV 2 (da) + REV 3 (es) + REV 4 (fi)	Qualified majority	All Member States in favour, except: abstention: IE
Statement by the United Kingdom on "Collection and recycling of wastes" Recital 41 to the revised Waste Framework Directive recognises the diversity in collection and recycling systems for wastes in the different Member States, which reflect what is technically, environmentally and economically practicable in the local circumstances. In implementing the requirements of Article 11 of the revised Directive on re-use and recycling, the United Kingdom intends to: – apply to the totality of household waste the requirement to increase, by 2020, to a minimum of overall 50 % by weight, the preparing for re-use and the recycling of waste materials from households and, possibly, similar waste streams. The four waste streams specified in paragraph 2(a) of Article 11 (i.e. paper, metal, plastic and glass) would be included in that overall target where they originate from households but the 50 % target would not apply individually to each of the specified wastes; and – encourage the separate collection of wastes where this is technically, environmentally and economically practicable, while allowing the co-mingled collection of paper, metal, plastic, glass and other recyclable materials for subsequent separation in material recycling facilities to continue after 2015 where this is the most effective means of increasing recycling rates in the local circumstances.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Directive of the European parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC, and amending Directive 2000/60/EC	PE-CONS 3644/08 + COR 1	Qualified majority	All Member States in favour
Directive 2008/12/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, as regards the implementing powers conferred on the Commission	PE-CONS 3664/08	Qualified majority	All Member States in favour
Directive of the European Parliament and of the Council on road infrastructure safety management	PE-CONS 3652/08 + REV 1 (sv)	Qualified majority	All Member States in favour
Regulation of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88	PE-CONS 3642/08 + COR 1 (el) + COR 2 (pl)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission statement concerning the term "quality" used in Article 4 Article 4 of the proposal requires that Member States obtain information from the Integrated Administration and Control System, the System for the Identification and Registration of Bovine Animals and from the Organic Farming Register, provided the information obtained is of at least equal quality to that obtained from statistical surveys. Article 4 also states that other administrative data sources may be used, if the Commission is informed in advance and if details of the quality of the administrative source are provided. In the context of Article 4, the data obtained from an administrative source are deemed to be of an acceptable quality if the definitions on which they are based are consistent with the provisions of Article 7 and if they provide representative results. Specific methodological information, relating to the quality of any administrative sources used, should be provided in the National Methodological Reports, which Member States submit to the Commission at the end of each survey.			
Adoption of legislative acts following the European Parliament's second reading under the codecision procedure (Strasbourg, 20 to 23 October 2008)			
Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work	PE-CONS 3705/08	(Not applicable)	(Not applicable)
2899th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 24 October 2008			
Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime	12279/06 + REV 1 (sk) + REV 2 (sv)	Unanimity	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption	11231/1/07 REV 1	Unanimity	All Member States in favour
Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)	13488/08 + REV 1 (fi) + REV 2 (da)	Unanimity	All Member States in favour
Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)	13489/08 + REV 1 (da)	Unanimity	All Member States in favour
Council Regulation (EC) amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology	13225/08 + REV 1 (cz) + REV 2 (ro)	Qualified majority	All Member States in favour
Directive of the European Parliament and of the Council on the protection of the environment through criminal law	PE-CONS 3639/08 + COR 1 (fi) + REV 1 (el)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the French, Luxembourg, Portuguese, Latvian, Bulgarian, Spanish, Czech and Maltese delegations The French, Luxembourg, Portuguese, Latvian, Bulgarian, Spanish, Czech and Maltese delegations state that the inclusion of a correlation table in Article 8(2) of the Directive cannot be construed as establishing any legal obligation going beyond that in the third paragraph of Article 249 of the Treaty establishing the European Community, which stipulates that "a directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods". Such a provision is also inconsistent with point 34 of the Interinstitutional Agreement on better law-making (OJ C 321, 31.12.2003, p. 1) and cannot be taken as a precedent in discussions on other legislation. Statement by Ireland Ireland accepts that it is the common position of all Member States that Article 2(a) is intended to treat as "unlawful" Article 3 type activities which infringe Annex A legislation, Annex B legislation or Article 2(a) (iii) measures (i.e. national legislation giving effect to Annex A or Annex B legislation). Accordingly Ireland's interpretation of the definition of 'unlawful' in Article 2(a) of this Directive is that Article 2(a)(i) is not restricted in its application. Nuclear related activities causing damage to the environment are not solely governed by reference to legislation made under the EURATOM Treaty listed in Annex B of the Directive; such damage is also governed by environmental protection legislation made under the EC Treaty and listed in Annex A of the Directive			
Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community	PE-CONS 3657/08 + REV 1 (fi) + REV 1 COR 1 (fi) + REV 2 (lt)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the UK Without prejudice to the UK's view that the proposed measure constitutes part of the European Community's environmental acquis and as such does not fall within the scope of the Cordoba arrangements on aviation measures, having obtained the prior agreement of the Government of Gibraltar, the UK is exceptionally prepared to accept the insertion of the language provided for under the Cordoba arrangements in respect of aviation measures. Statement by the UK 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. Statement by UK, Denmark, Finland, Germany, Ireland, Malta, the Netherlands and Sweden The UK, Denmark, Finland, Germany, Ireland, Malta, the Netherlands and Sweden interpret the provisions of Article 3d(4) as not imposing legally-binding requirements on the Member States.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by Malta As a small, peripheral island state, Malta is dependent on air travel; it has no other adequate and comparable alternative modes of transport. This results in a high share of air transport value added in total value added for Malta. Furthermore, for the past half-century, tourism has been crucial for the country's economy and the average share of GDP of tourism earnings over the past seven years is, according to Eurostat, estimated at 13.7%; this is much higher than the EU average. Furthermore, this is generated by international tourism which is fully dependent on aviation. The implementation of the Directive could, therefore, have serious repercussions on the Maltese economy. Malta places strong emphasis on the new Article 30(4) whereby, ‘By 1 December 2014 the Commission shall, on the basis of monitoring and experience of the application of this Directive, review the functioning of this Directive in relation to aviation activities’ and in particular point (f) therein whereby ‘the impact of the Community scheme on the structural dependency on aviation transport of islands, landlocked regions, peripheral regions and the outermost regions of the Community’ will also be reviewed. The review should ensure that such key concerns can be studied in depth and satisfactory remedial measures identified if necessary. Statement by the Commission The Commission recalls that it intends to issue by December 2008 a legislative proposal to introduce measures to limit NOx emissions from aviation, in particular to address effectively their climate change impact and to avoid any negative incentives to reduce CO2 emissions at the expense of NOx. Statement by the Commission on auctioning The Commission takes note of the agreement between the Council and the Parliament regarding the possibility to increase the levels of auctioning from 2013 in the context of the ETS review Directive. As regards the approach to allocation, the Commission position remains that the aviation sector should be treated from 2013 as other industries which receive transitional free allocation of emissions allowances.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the Commission on third country operators The Commission takes note of the agreement between the Council and the Parliament regarding the participation of aircraft operators in the EU ETS, including those from third countries. The Commission underlines that it will continue to seek an agreement on global measures to reduce greenhouse gas emissions from aviation, in line with its long-standing objective. In light of any such agreement, the Commission will propose amendments to this Directive as it applies to aircraft operators if adaptation is considered necessary. The Commission will continue to be in contact with third parties and encourage them to take equivalent measures having an environmental effect at least equivalent to that of this Directive with a view to recognising equivalent measures as provided for under the relevant sections of the Directive. Statement by Cyprus Cyprus would like to place on record its serious concerns regarding the adverse effects expected to be caused by the implementation of the proposed Directive on including aviation activities in the ETS within the EU. As a small, peripheral island with no other comparable alternative modes of transport, Cyprus is very heavily dependent on air transport. At the same time, tourism plays a very significant part in the generation of economic activity in Cyprus, which is higher than the average earnings in other EU Member-States. As a consequence, the implementation of the proposed Directive will entail serious negative structural repercussions for Cyprus' economy. It is noteworthy that for the proposed Directive no impact assessment has been undertaken concerning the reduction of the total amount of emission rights (CAP). Cyprus is fully aware of the need to take all necessary steps to address the adverse effects of climate change. Indeed, Cyprus is already feeling the effects of the change in climatic conditions as evidenced by the rise in temperatures and the severe drought that has been plaguing the island for the past few years, factors which point directly to the urgent need to take measures towards resolving this serious problem. Cyprus remains fully committed to working with its European partners to address this phenomenon. However, in view of the expected adverse effects of this particular Directive, the Republic of Cyprus is obliged to reiterate its strong reservations for some of the measures proposed. The inclusion of further aspects to be addressed under the future review of this Directive should ensure that key concerns on the impact of the scheme on the structural dependency on aviation, have to be studied in depth and satisfactory remedial measures should be adopted, concerning, mainly, the percentage of the allowances to be auctioned and the amount of its allocated allowances.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2008			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by Spain The proposed Directive lays down obligations for a public authority responsible for activities taking place at or above an airport to which the EC Treaty applies; we therefore consider that, without any doubt, it is one of the provisions of EC/EU legislation concerning civilian air traffic which are specified in the Ministerial Statement on Gibraltar Airport issued in Cordoba on 18 September 2006.			
2900th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Luxembourg on 27 and 28 October 2008			
Directive of the European Parliament and of the Council amending Council Directive 79/409/EEC on the conservation of wild birds, as regards the implementing powers conferred on the Commission	PE-CONS 3666/1/08 REV 1	Qualified majority	All Member States in favour
Regulation of the European Parliament and of the Council concerning livestock and meat statistics and repealing Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC	PE-CONS 3641/08 + COR 1 (de) + REV 1 (It)	Qualified majority	All Member States in favour

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
2893rd meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS), held in Luxembourg on 2 October 2008 2008/784/EC: Council Decision of 2 October 2008 establishing a separate liability of Montenegro and reducing proportionately the liability of Serbia with regard to the long-term loans granted by the Community to the State Union of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia) pursuant to Decisions 2001/549/EC and 2002/882/EC 12913/08 EU Position for the third meeting of the EU-Russia Permanent Partnership Council on Energy (Paris, 8 October 2008) 13582/08 2894th meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS), held in Luxembourg on 7 October 2008 Corrigendum to information relating to the entry into force of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine in relation to export duties (OJ L 112, 24.4.2008) 8959/01/08 REV 1 + REV 2 (en) + REV 3 (bg)	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Decision on the position to be adopted by the Community within the Association Council established by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, with regard to the establishment of a tariff dismantling schedule for products appearing in Annex IV to the Association Agreement 12989/08 Council Conclusions on immediate responses to financial turmoil 13926/08 Council Conclusions on executive pay 13265/2/08 REV 2 Council Conclusions on financial stability and financial supervision 13516/1/08 REV 1 + REV 1 COR 1 Council Conclusions on fight against tax fraud 12955/08 + COR 1 + COR 2 (de) 2895th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS and ENERGY), held in Luxembourg on 9-10 October 2008	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Conclusions on the inclusion of the aviation sector in the EU ETS – participation of third countries 13648/01/08 REV 1 + REV 1 COR 1 + REV 1 COR 2 (de) Council Resolution on the launch of the development phase of the SESAR programme 13621/1/08 REV 1 Council Conclusions on the implementation of the framework Directives on the energy labelling and ecodesign of energy-using products 13814/08 2896th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 13 October 2008 Council Conclusions on Court of Auditors Special Report No 6/2008 – "European Commission Rehabilitation Aid following the Tsunami and Hurricane Mitch" 13259/08 Council Decision concerning the conclusion of the Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) 10806/08	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Decision 2008/814/CFSP of 13 October 2008 concerning the conclusion of an Agreement between the European Union and the United States of America on the participation of the United States of America in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO 12599/08 + REV 1 (fi) Council Conclusions on the Republic of Moldova 14030/1/08 REV 1 Council Joint Action 2008/796/CFSP of 13 October 2008 amending the mandate of the European Union Special Representative for the South Caucasus 13185/08 Declaration on Communicating Europe in Partnership 13712/08 European Union's position for the seventh meeting of the EU-Morocco Association Council 13653/08 + REV 1 (en) Council Regulation (EC) No 1000/2008 of 13 October 2008 imposing a definitive anti-dumping duty on imports of sulphanilic acid originating in the People's Republic of China and India following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96 13063/08	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Regulation (EC) No 1010/2008 of 13 October 2008 imposing a definitive countervailing duty on imports of sulphanilic acid originating in India following an expiry review pursuant to Article 18 of Regulation (EC) No 2026/97 and a partial interim review pursuant to Article 19 of Regulation (EC) No 2026/97 and amending Regulation (EC) No 1000/2008 imposing a definitive anti-dumping duty on imports of sulphanilic acid originating in the People's Republic of China and India following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96 13063/08 Council Regulation (EC) No 1001/2008 of 13 October 2008 imposing a definitive anti-dumping duty on imports of certain tube and pipe fittings, of iron or steel, originating in the Republic of Korea and Malaysia following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96 13103/08 + REV 1 (ro) EU Position for the ninth meeting of the EU-South Africa Cooperation Council 13773/08 Council Conclusions on the EU-Mexico strategic partnership 13224/08 Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union 13194/08	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Regulation concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff 13198/08 2897th meeting of the Council of the European Union (GENERAL AFFAIRS and EXTERNAL RELATIONS), held in Luxembourg on 13 October 2008 Council Conclusions on Zimbabwe 13889/2/08 REV 2 Council Conclusions on Belarus 14057/08 Council Conclusions on Uzbekistan 13904/08 + COR 1 Council Conclusions on Georgia / Russia 14026/08	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Written procedure completed on 14 October 2008 Community position with a view to a joint statement by the signatory CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, on the signature of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part 14070/08 Community position with a view to a joint statement by the signatory CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, on the signature of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part 14074/08 2898th meeting of the Council of the European Union (ENVIRONMENT), held in Luxembourg on 20-21 October 2008 Council Decision concerning the further participation of the European Community in negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms under the Cartagena Protocol on Biosafety 13320/08	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Decision on the approval, on behalf of the European Community, of the Protocol on Strategic Environmental Assessment to the 1991 UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context 13179/08 Council Decision on a Community position in the Joint Committee on the implementation of Article 66 of the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part 12941/08 + COR 1 (it) + REV 1 (nl) Council Conclusions on Preparations for the 14th session of the Conference of the Parties (COP 14) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 4th session of the Meeting of the Parties to the Kyoto Protocol (CMP 4) (Poznań, 1 to 12 December 2008) 14017/08 2899th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Luxembourg on 24 October 2008 Council Decision on the conclusion of a Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland 13831/1/08 REV 1	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Decision concerning the conclusion of the Agreement between the European Union and Georgia on the status of the European Union Monitoring Mission in Georgia 13690/08	
Council Recommendation on improving communication between operational units in border areas 13796/08	
Position of the European Union for the fifth EU-Russia Permanent Partnership Council (Foreign Ministers), to be held in St Petersburg on 28 October 2008 14464/08	
EU Annual Report on Human Rights 2008 14146/1/08 REV 1	
Council Decision on the release of information under the Agreement between the European Space Agency and the European Union on the security and exchange of classified information 13678/08	
Council Decision on the adjustment of the allowances paid to members and alternate members of the European Economic and Social Committee 13975/08	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
Council Conclusion on "Barcelona Process: Union for the Mediterranean Conference of Ministers for Industry (Nice, 5-6 November 2008)" 14474/01/08 REV 1 Council Conclusions on setting up national alert platforms and a European alert platform for reporting offences noted on the Internet 14071/08 Council Conclusions on the principle of convergence and the structuring of internal security 14069/08 Council Conclusions on the situation of vulnerable adults and their cross-border legal protection 14034/08 + REV 1 (pl) + REV 2 (lt) Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the training of judges, prosecutors and judicial staff in the European Union 14106/08 + COR 1 + COR 2	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2008	
OTHER ACTS	Votes/Statements made public
2900th meeting of the Council of the European Union (AGRICULTURE and FISHERIES), held in Luxembourg on 27 and 28 October 2008 Council Conclusions on Special Report No. 4/2008 of the European Court of Auditors concerning the implementation of milk quotas in the Member States which joined the European Union on 1 May2004 14186/08 Council Common Position 2008/822/CFSP of 27 October 2008 concerning the temporary reception by Member States of the European Union of certain Palestinians 13426/08	