



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 08.02.2010

6200/10

PUBLIC 3

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS JANUARY 2010

This document consists of the following:

- ANNEX I containing a list of acts adopted by the Council in January 2010.^{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.

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 the ordinary legislative procedure, 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 adopted in the ordinary legislative procedure 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.

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).

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 JANUARY 2010**

Written procedure completed on 14 January 2010

Council Regulation (EU) No 23/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required and amending Regulations (EC) No 1359/2008, (EC) No 754/2009, (EC) No 1226/2009 and (EC) No 1287/2009
OJ L 21, 26.1.2010, p. 1–120

2990th meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS), held in Brussels on 19 January 2010

Council Conclusions on the Commission report on Greek government deficit and debt statistics
5530/10

2010/39/: Council Implementing Decision of 19 January 2010 authorising the Portuguese Republic to apply a measure derogating from Articles 168, 193 and 250 of Directive 2006/112/EC on the common system of value added tax
OJ L 19, 23.1.2010, p. 5–6

Council Implementing Regulation (EU) No 54/2010 of 19 January 2010 imposing a definitive anti-dumping duty on imports of ethanolamines originating in the United States of America
OJ L 17, 22.1.2010, p. 1–20

Council Implementing Regulation (EU) No 77/2010 of 19 January 2010 amending Regulation (EC) No 452/2007 imposing a definitive anti-dumping duty on imports of ironing boards originating, inter alia, in the People's Republic of China
OJ L 24, 28.1.2010, p. 1–6

Written procedure completed on 22 January 2010

2010/41/, Euratom: Council Decision, taken by common accord with the President-elect of the Commission, of 22 January 2010 adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission, repealing and replacing Decision 2009/903/EU
OJ L 20, 26.1.2010, p. 5–6

2991st meeting of the Council of the European Union (GENERAL AFFAIRS), held in Brussels on 25 January 2010

2010/50/: Council Decision of 25 January 2010 amending Annex 2, Schedule A, to the Common Consular Instructions on visas for the diplomatic missions and consular posts, in relation to visa requirements for holders of diplomatic passports from Saudi Arabia
OJ L 26, 30.1.2010, p. 22–23

Council Decision on the signing and provisional application of an Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the "Youth in Action" programme and in the action programme in the field of lifelong learning (2007-2013)

13104/2/09 REV 2 + REV 2 COR 1

Council Decision on the position to be taken by the European Union concerning the proposal to amend the Customs Convention on the International Transport of goods under cover of TIR carnets (TIR Convention 1975)

5231/10 + COR 1 + REV 1 (hu)

2992st meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 25 January 2010

Council Decision repealing Decision 2009/472/EC and concerning the follow-up to the consultation procedure with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement

5012/10

Council Conclusions on the Court of Auditor's Special Report No. 12/2009

5360/10

Council Conclusions on Bosnia and Herzegovina: Operation ALTHEA

5507/2/10 REV 2

Council Conclusions on Somalia Training Mission

5627/1/10 REV 1

Council Conclusions on Yemen

5727/10

Written procedure completed on 28 January 2010

Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance)

5720/10

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Written procedure completed on 14 January 2010 Council Regulation (EU) No 23/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required and amending Regulations (EC) No 1359/2008, (EC) No 754/2009, (EC) No 1226/2009 and (EC) No 1287/2009	17323/09	Qualified majority	All Member States in favour
Commission Statement on Article 6 - Undulate Ray The Commission notes that scientific advice for the stock of undulate ray dates from 2008. It will request STECF to update their advice during 2010 on the basis of the most recent available information and to advice on the status of the stock and, where appropriate, on specific conservation measures.			
Commission Statement on Article 9 - Effort management of deep sea fisheries In order to provide a coherent system for the long-term management of deep sea fisheries, the Commission undertakes to prepare, during the course of 2010, a proposal for the revision of Council Regulation (EC) 2347/2002 establishing specific access requirements and associated conditions applicable to fishing for deep sea stocks, including new effort limitations for deep sea vessels.			
Council and Commission Statement on Category 6 stocks For those stocks for which the scientific advice is currently provided without a short-term quantitative forecast of the consequences of alternative catches, the Council and the Commission agree that further work is needed to examine management options on the basis of the requests made by the Commission to ICES and STECF in 2009. Subsequently, the Commission envisages proposing a remedial course of action in order to be applied for the establishment of the fishing opportunities for 2011.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council and Commission Statement on Category 11 stocks Scientific advice by STECF and ICES states that the status of a number of stocks is unknown. The available data are insufficient for assessing the current stock size and exploitation. Management advice is therefore not available. The data bases used for the scientific advice provided by STECF and ICES derive from national laboratories in the Member States concerned by each fishery. The Council and the Commission consider that the initiatives to remedy this management shortcoming should be continued in 2010. Council and Commission Statement on Catch quota system The Council and the Commission would appreciate further experiments and development in 2010 on fully documented fisheries with a view to assessing the potential benefits of this approach. Council and Commission Statement on Herring in the Celtic Sea (Zone VIIhjk) Without prejudice to its right of initiative in legislative matters, the Council invites the Commission to propose a long-term plan for the management of this stock as soon as practicable. The Council and the Commission agree that until such a plan is adopted, it would be appropriate to set the TAC for this stock according to the following rule: For 2010 and subsequent years, the TAC is and should be set corresponding to a fishing mortality of $F_{0.1} = 0.19$. If, in the opinion of ICES and STECF, the catch should be reduced to the lowest possible level, the TAC for the following year will be reduced by 25%. The Council and the Commission take note of the information provided by Ireland according to which on that, through national legislation, Division VIIaS will remain closed to the Irish fleet for herring fishing for 2010 and 2011, but a small-scale sentinel fishery will be permitted in the closed area (with a maximum catch limitation of 8% of the Irish quota).			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council Statement on Anglerfish in zones VIIIc and IXa The Council notes the scientific advice concerning this stock and the fact that it is caught in a mixed fishery together with southern hake and nephrops and invites the Commission, to come forward with a proposal amending Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms. This amendment should concern the inclusion of anglerfish in this management plan in order to lead to management of all three species concerned towards compatibility with maximum sustainable yield. Commission Statement on Porbeagle With a view to monitor the recovery of the stock of porbeagle, the Commission will request advice from STECF on the appropriateness of conducting a small-scale sentinel fishery. Council and Commission Statement on Haddock in EC waters of zones Vb and VIa The Council invites the Commission to propose a long-term plan for the management of this stock as soon as practicable. The Council and the Commission agree that until such a plan is adopted, it would be appropriate to set the TAC for this stock according to the same rule that applies to the stock of haddock in the North Sea, using the precautionary spawning biomass and the limit spawning biomass appropriate for this stock, and limiting inter-annual TAC variations to no more than 25%. Council and Commission Statement on Technical measures whitefish Zone VI The Council and the Commission take note of requests by some Member States to modify existing technical measures for the ICES Zone VI in advance of the agreed overall reform of the technical measures rules for mid 2011. The Commission will consider these requests and where appropriate present relevant proposals, if possible in the course of first half of 2010.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission Statement on Blue ling The Commission takes a note of relevant scientific information regarding the stock of blue ling (areas VI, VII) . It will submit this information to the relevant scientific bodies to assess if the new information would give rise to modify allocations for this stock during 2010. Council and Commission Statement on Nephrops in Zone VII The Council and the Commission take note of the calls by ICES and STECF for the management of individual functional units of nephrops in Zone VII. They further take note of the advice for large reductions of catches in the Porcupine Bank, Irish Sea West and Aran Grounds, and lesser reductions of catches in Irish Sea East and the Celtic Sea. Commission Statement on Plaice VIId The Commission shall, if it is considered appropriate on the basis of scientific advice, propose the introduction of separate management for plaice in areas VIId and VIIe. Council and Commission Statement on Fishing opportunities for stocks subject to the Norway and Faroe agreements The Council and Commission note that in the absence of agreed arrangements with Norway and the Faroe Islands on the definitive fishing opportunities for 2010 it is necessary to establish on an autonomous basis provisional fishing opportunities for Community fishing vessels for stocks subject to those agreed arrangements, and, until such arrangements have been concluded, not to allow Norwegian or Faroese vessels access in the EU waters. In view of ensuring continuity of fishing activities, the Council invites the Commission to take the necessary steps to facilitate the conclusion, as soon as practicable early in 2010, of the agreed arrangements with Norway and the Faroe Islands and to enable the Council to take the necessary decision. Council and Commission Statement on Mackerel in Norwegian waters As a result of the sudden change of the migration pattern of mackerel and the late opening of the fishery in Norwegian waters, both Norwegian and Community vessels with quotas in the Norwegian EEZ were unable to take their full quotas during 2009. In these exceptional circumstances, the Council and the Commission agree that, should Norway decide to allow its fleet to fish its remaining 2009 quota in 2010 in Norwegian waters, the Community fleet with un-fished 2009 quotas in Norwegian waters should also be allowed to fish its remaining 2009 quota in those waters in 2010.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council and Commission Statement on Integration of the southern component of mackerel The Council and the Commission agree that the southern component for mackerel should be part of an overall sharing agreement with the relevant Coastal States in 2010, acceptable for the European Union. The Council and the Commission shall pursue all options to limit the negative impact of integration on Member states fishing on western, North Sea and Southern mackerel. The integration of the southern component shall respect the principle of relative stability and preserve traditional fishing practices. The Commission shall cooperate closely with Member States to work out the relevant parameters. Commission Statement on Costs and benefits under the annual arrangement with Norway Bearing in mind that Member States benefit to a different degree from the exchange of fishing opportunities with Norway, the Commission shall endeavour to ensure that the costs and benefits for individual Member States of the annual arrangements with Norway should be as balanced as possible. Council and Commission Statement on Spurdog The Council and Commission agree on the need to reduce the by-catch levels of spurdog during 2010 in order to achieve a zero by-catch level for 2011. For this purpose, the knowledge on the distribution pattern of spurdog should be improved to avoid unwanted catches of this species, particularly in areas where large females occur. Commission Statement on exclusion of groups of vessels from the fishing effort management under the cod plan - Ad Effort management When a group of vessels has been excluded from the fishing effort management of the cod plan (Article 11(2) of Council Regulation No (EC) 1342/2008), the fishing effort of this group spent during the reference period will be deducted from the baseline effort. The detailed implementing methods for the exclusion of the group of vessels, including cases where the follow-up is based on fleet monitoring, needs to be dealt with in the framework of the Commission implementing regulation. This will include the consequences of reinserting a vessel group into the fishing effort management again. In particular, the baseline effort to be re-included for the whole group of vessels will be calculated taking into account annual effort adjustments that have taken place since the establishment of the baseline effort.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council and Commission Statement on Effort IIa completion of baseline correction The Council and Commission note that additional data provided late 2009 which concerns the calculation of baseline effort for certain Member States still need to be assessed by the STECF and agree that, on the basis of this assessment, it may be necessary to revise the baselines for those Member States in 2010. Commission Statement on Effort transfer under cod plan in case of structural changes in a fleet segment A Member State may transfer effort from one gear group to another once it has informed the Commission about the catches per unit of effort of the respective gear groups. The calculation of the transfer should be based on that information. The Member State may implement the effort transfer taking into account also technical measures introduced for cod avoidance, so that the still higher catch per unit of effort in the receiving gear group is compensated for. The Commission accepts that for a fleet segment that has undergone a structural change in its fishing activities, the transfer of fishing effort may become of permanent nature. It is then prepared to propose a revision of the effort allocation accordingly once the information on catch data has been provided. Commission Statement on Effort management under the Southern hake and nephrops plan The Commission notes that the recovery plan for Southern hake and nephrops is under review in 2010. It agrees that in the review process, the contribution of all gear types to the fishing mortality applied on Southern hake and associated species should be taken into account. Council and Commission Statement on Annex VIII (licences to Venezuelan vessels) The Council and Commission note that fishing vessels flying the flag of the Bolivarian Republic of Venezuela have uninterruptedly since 1977 been allowed access to French Guyana waters, subject to, among others, the condition to land most of their catches in French Guyana. The Council and Commission note also that third country vessels may be allowed to fish in Community waters subject to the provisions laid down in Council Regulation 1006/2008 concerning the authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulation (EC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
The Council and the Commission are aware of the economic and social importance of the landings of the Venezuelan vessels in the ports of French Guyana. The Council and the Commission agree therefore that a sudden discontinuation of these activities would entail a major impact at this point in time. They are thus ready to agree to continue them on a provisional basis. France and the Commission, will take the necessary steps to regularise this situation before 31 December 2010. The licences to the Venezuelan vessels will not be renewed beyond this date, unless the situation is formalised. Commission Statement on Bluefin tuna (ICCAT) As a consequence of the significant reduction of the EU bluefin tuna TAC agreed upon in the ICCAT framework, the Commission will assess with the Member States concerned, the best and most targeted use of financial instruments in order to address the socio-economic impact of such reduction. Council and Commission Statement on Anchovy Bay of Biscay The Council and the Commission agree that the anchovy fishery requires specific control measures additional to those laid down in the new Control Regulation. For this purpose, until the multiannual plan for the anchovy of Bay of Biscay and the control and inspection programme on its fishery are adopted, Spain and France agree to undertake the additional control measures during 2010: 1. Inspection tasks at sea; Verification of the quantities of anchovies retained on board in comparison with the quantities recorded in the logbook and the compliance with the margin of tolerance; Complete coverage of the fleet with of VMS equipment and provisions to ensure uninterrupted operation and avoidance of tampering. 2. Inspection tasks at landing; Minimum 20% inspections of landings Prior notification of landing including the precise data concerning the catch on board; The completion of the logbook and the landing declaration, including the effort recording; The actual quantities of fish on board, weight of anchovy and other species landed and the compliance with the margin of tolerance; The compliance with the shut down procedures for VMS equipment. 3. Inspection tasks concerning transports and marketing; Verification of relevant documentation accompanying transport and check them against the physical quantities transported; Compliance with labeling requirements and minimum fish size requirements.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council and Commission Statement on Anchovy VIII The Council and the Commission have exceptionally agreed the temporary re-opening of the anchovy fishery in the Bay of Biscay following encouraging indications, based on the results of the research survey "Juvena 2009" which preliminary point to a strong incoming recruitment that might increase the stock in 2010 in a substantial manner. They also agree that this agreement is conditional upon a careful validation by STECF of the above-mentioned results using all available scientific information, especially the results of the 2010 spring surveys and the most complete catch data gathered during the fishery. Should the scientific analysis indicate that the stock recovery is not confirmed, the Council and the Commission agree that the TAC should be reduced in accordance with the proposed multiannual plan for this stock. Joint Statement by the United Kingdom and Ireland on the Hague Preferences The United Kingdom and Ireland consider that the Hague Preference constitutes an integral part of relative stability, reflecting the need to safeguard the special needs of regions where local populations are especially dependent on fisheries and related industries. This is specifically recognised in Community fisheries policy and was set down in Council Regulation No 170/83 and Council Regulation No 3760/92. It has again been restated in Council Regulation No 2371/2002. Statement by Belgium, Denmark, France, Germany and the Netherlands on the Hague Preferences Belgium, Denmark, France, Germany and the Netherlands are of the opinion that the scales for the allocation of quotas for Member States were finally agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague Preferences are contrary to the principle of relative stability.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by Portugal on Svalbard cod Following the Norwegian understanding with regard to the level of the 2009 SVALBARD cod quota, several Portuguese vessels were unable to take their full quotas during 2009 and, until now, no solution has been found in order to compensate the concerned vessels for their heavy financial losses. Portugal was entitled to that level of fishing quota in SVALBARD waters by the Council of Ministers in December 2008. Therefore, the Commission should ensure that a proper solution is worked out, either through the reposition of the relative stability of 2009, or in the framework of the bilateral relations with Norway, with a view to allow Portuguese vessels to fish the remaining 2009 Portuguese quota in SVALBARD waters in 2010. Statement by Greece on bluefin tuna The Greek delegation would like to point out the serious socio-economic consequences that will be caused by the drastic reduction of the total allowable catch (TAC) for bluefin tuna agreed at the annual ICCAT meeting. The European Commission should offset those consequences through new financial support measures in favour of the fishermen affected, as part of the implementation of the new ICCAT recommendations in 2010. Furthermore, Greece would refer again to its 1999 request for a review of the statistics relating to bluefin tuna fishing, in the light of ICCAT's revised data. This stance was acknowledged by the Council in a statement in December 1999, but there was no follow-up. A review would permit a more equitable calculation for the allocation of the Community quota for bluefin tuna among the Member States, on the basis of the historical data. Written procedure completed on 28 January 2010			
Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance)	5720/10	Qualified majority	All Member States in favour except: against: NL abstention: DK, BE, ES, UK

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS JANUARY 2010			
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Statements by Member States When implementing this Regulation, Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Ireland, France, Italy, Latvia, Lithuania, Luxembourg, Austria, Poland, Portugal, Romania, Finland, Slovenia and Sweden shall endeavour to facilitate the ability of the operators to comply with the requirements of this Regulation, taking specifically into account the situation of small and medium sized enterprises/operators. Statements by the Commission In connection with articles 12 and 18 the Commission undertakes to submit an evaluation on the current EU economic and trade situation of the products under Chapter 49 of the EU Customs Code, in order to consider their possible inclusion in the list of products annexed to the present Regulation. The Commission shall also endeavour to facilitate the ability of the operators to comply with the requirements of this Regulation, taking specifically into account the situation of small and medium sized enterprises/operators. The Commission welcomes the agreement reached in the Council on the Regulation on the placing on the market of timber and timber products. In this context the Commission takes note of the new recital 24 on the consultation of experts in the preparatory phase of delegated acts. The Commission considers that expert groups cannot have a formal institutional role. Therefore provisions as regards the involvement of experts in the preparation of delegated acts cannot be included in the basic acts. In this regard the Commission refers to its Communication of 9 December 2009. In order to allow the legislative process to move forward with a view to the timely adoption of this Regulation, the Commission will not oppose the common position of the Council given that the substance of the compromise reached, taken as a whole, meets the objectives of the proposal. The Commission reserves its right to come back to the above mentioned recital in second reading also taking into account the position of the European Parliament on this matter.			

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