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THE EUROPEAN UNION**



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2888th Council meeting

General Affairs and External Relations

General Affairs

Brussels, 15 September 2008

President **Mr Bernard KOUCHNER**
French Minister for Foreign and European Affairs

[...]

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13028/08 (Presse 254)

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Main results of the Council

The Council adopted :

- *a common position on a draft Directive aimed at protecting **temporary workers** and improving the quality of their work. The draft provides for equal treatment for temporary workers, recognition of temporary work agencies as employers and the use of temporary work in job creation and the development of more flexible types of employment;*
- *a common position on an amendment to the Working Time Directive as regards the taking into account of childcare, compatibility between work and family life and the possibility of not applying the maximum weekly working time of 48 hours if the worker agrees to work longer;*
- *a common position with a view to the adoption of a Regulation concerning the placing of plant protection products on the market ("pesticides Regulation") aimed at recasting current legislation to strengthen the protection of human health and the environment and to improve the functioning of the internal market.*

The three texts will be forwarded to the European Parliament for a second reading, in accordance with the Parliament-Council codecision procedure.

In addition the Council:

- *decided to establish a coordination unit with the task of supporting the surveillance and protection activities carried out by some Member States in the context of Security Council Resolutions concerning piracy off the **Somali** coast;*
- *approved the sending to the Mauritanian authorities of an invitation to open consultations under the Cotonou Agreement, in response to a coup d'état carried out there in August 2008.*

CONTENTS¹

PARTICIPANTS..... 5

ITEMS DEBATED

PREPARATION FOR THE OCTOBER MEETING OF THE EUROPEAN COUNCIL 7

OTHER ITEMS APPROVED

EXTERNAL RELATIONS

– International Criminal Tribunal for the former Yugoslavia 8

– Somalia - *Council conclusions* 8

– Euro-Mediterranean Employment and Labour Ministers Conference 10

– Euro-Mediterranean Conference on health 10

– EU/Albania - Cooperation agreements - EU enlargement 10

DEVELOPMENT COOPERATION

– Mauritania - Coup d'état - Initiation of consultations under the ACP-EU agreement 11

– International Cocoa Agreement 11

– Development and External Assistance Policies - *Council conclusions* 11

EUROPEAN SECURITY AND DEFENCE POLICY

– EU-Canada - cooperation in civilian and military crisis management 12

– EU EUFOR Tchad/RCA military operation - Participation of Croatia 12

COMMERCIAL POLICY

– Anti-dumping - magnesia bricks originating in China 12

– Anti-dumping duties: polyester fibres originating in Belarus, China, Saudi Arabia and Korea 12

¹

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

ECONOMIC AND FINANCIAL AFFAIRS

- Managing the assets of the European Coal and Steel Community (ECSC)..... 13
- Italy - value added tax..... 13

GENERAL AFFAIRS

Mechanism on Cooperation for Bulgaria and Romania - Council conclusions

- Proceedings in the Council's other configurations..... 15

SOCIAL POLICY

- Temporary agency workers..... 15
- Working time 16

AGRICULTURE

- Placing of plant protection products on the market - "Pesticides" Regulation 17

TRANSPORT

- Agreement with Israel on air services..... 17
- Elimination of border controls in transport..... 18

TELECOMMUNICATIONS

- European Network and Information Security Agency..... 18

EUROPEAN ECONOMIC AREA

- Amendments to the EEA Agreement - social security..... 19

ENERGY

- Energy statistics 19

FISHERIES

- EU/Denmark-Faroe Islands - Tariff quota 19

APPOINTMENTS

- Committee of the Regions 20

PARTICIPANTS

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

Belgium:

Mr Karel DE GUCHT Minister for Foreign Affairs

Bulgaria:

Mr Ivailo KALFIN Deputy Prime Minister and Minister for Foreign Affairs

Czech Republic:

Mr Alexandr VONDRA Deputy Prime Minister for European Affairs
Mr Karel SCHWARZENBERG Minister for Foreign Affairs

Denmark:

Mr Michael ZILMER-JOHNS State Secretary, Ministry of Foreign Affairs

Germany:

Mr Günter GLOSER Minister of State, Ministry of Foreign Affairs

Estonia:

Mr Urmas PAET Minister for Foreign Affairs

Ireland:

Mr John McGUINNESS Minister of State at the Department of Enterprise, Trade and Employment, with responsibility for trade

Greece:

Ms Theodora BAKOYANNI Minister for Foreign Affairs

Spain:

Mr Diego LÓPEZ GARRIDO State Secretary for the European Union

France:

Mr Bernard KOUCHNER Minister for Foreign and European Affairs
Mr Jean-Pierre JOUYET Minister of State with responsibility for European affairs

Italy:

Mr Franco FRATTINI Minister for Foreign Affairs

Cyprus:

Mr Marcos KYPRIANOU Minister for Foreign Affairs

Latvia:

Mr Māris RIEKSTIŅŠ Minister for Foreign Affairs

Lithuania:

Mr Petras VAITIEKŪNAS Minister for Foreign Affairs

Luxembourg:

Mr Jean ASSELBORN Deputy Prime Minister, Minister for Foreign Affairs and Immigration
Mr Nicolas SCHMIT Minister with responsibility for Foreign Affairs and Immigration

Hungary:

Mr Tibor KISS Permanent Representative

Malta:

Mr Tonio BORG Deputy Prime Minister and Minister for Foreign Affairs

Netherlands:

Mr Maxime VERHAGEN Minister for Foreign Affairs
Mr Frans TIMMERMANS Minister for European Affairs

Austria:

Ms Ursula PLASSNIK Federal Minister for European and International Affairs

Poland:

Mr Radosław SIKORSKI Minister for Foreign Affairs

Portugal:

Mr Luís AMADO

Minister of State, Minister for Foreign Affairs

Romania:

Mr Lazăr COMĂNESCU

Minister for Foreign Affairs

Slovenia:

Mr Dimitrij RUPEL

Minister for Foreign Affairs

Slovakia:

Mr Ján KUBIŠ

Minister for Foreign Affairs

Finland:

Mr Alexander STUBB

Minister for Foreign Affairs

Sweden:

Mr Carl BILDT

Ms Cecilia MALMSTRÖM

Minister for Foreign Affairs

Minister for European Affairs

United Kingdom:

Mr David MILIBAND

Secretary of State for Foreign and Commonwealth Affairs

.....

Commission:

Mr Louis MICHEL

Member

.....

General Secretariat of the Council:

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

ITEMS DEBATED

PREPARATION FOR THE OCTOBER MEETING OF THE EUROPEAN COUNCIL

The Council examined an annotated draft agenda prepared by the Presidency for the meeting of the European Council to be held in Brussels on 15 and 16 October 2008 ([12713/08](#)). It will make more detailed preparations for the meeting at its meeting on 13 October in Luxembourg.

The items to be covered by the European Council include the following:

- the Treaty of Lisbon;
- immigration and asylum;
- economic, financial, environment and energy questions;
- follow-up to the extraordinary meeting of the European Council on 1 September 2008 on the Georgia crisis.

The annotated draft agenda will serve as the basis for draft European Council conclusions to be prepared by the Presidency and submitted to the Permanent Representatives Committee in the run-up to the Council's meeting on 13 October 2008

OTHER ITEMS APPROVED

EXTERNAL RELATIONS

International Criminal Tribunal for the former Yugoslavia

The Council adopted two Decisions concerning measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) with a view to:

- removing the name of Mr Radovan Karadzic from the list of persons indicted by the ICTY whose economic resources were frozen under Common Position 2004/694/CFSP, following his detention by the ICTY on 30 July 2008 (12364/08); and
- removing the names of certain persons linked to Mr Radovan Karadzic from the list of persons prohibited from travelling to the EU under Common Position 2004/293/CFSP (persons who are engaged in activities which could help persons indicted by the ICTY to evade justice) (12363/08).

Somalia - *Council conclusions*

The Council adopted the following conclusions:

- "1. The Council remains gravely concerned at the situation in Somalia and off its coasts. With reference to its conclusions of 26 May, 16 June and 22 July 2008, the Council reaffirms its commitment to a comprehensive approach to a lasting settlement of the Somali crisis, covering its political, security and humanitarian aspects.

2. The Council welcomes the official signing by the Transitional Federal Government (TFG) and the Alliance for the Re-Liberation of Somalia (ARS) in Djibouti on 19 August 2008 of the peace agreement initialled by the two sides on 9 June 2008. It confirms its interest in providing European Union support for the agreement's implementation. It calls on all parties to join the political process in order to allow a swift return to peace, security, stability and development in Somalia. The Council also welcomes the efforts made by the TFG and the ARS to relaunch the political process under the aegis of the Special Representative of the United Nations Secretary-General.
3. The Council reaffirms its willingness to continue the European Union's engagement in Somalia, in particular by increased support for the capacity of the Somali police to combat abuses and serious human rights violations and enable the TFG to participate in implementing the Djibouti agreement as regards security. The Council would point to the substantial support given to AMISOM by the EU and its Member States and is prepared to help continue to provide such support. The Council welcomes the presidential statement from the United Nations Security Council on 5 September 2008.
4. The Council deplores the continuing deterioration in the humanitarian situation in Somalia and expresses its concern at the difficulties in reaching the civilian population and at the security conditions which affect the work of humanitarian agencies. It reaffirms the EU's determination to continue its efforts in this area.
5. The Council also reaffirms its serious concern at the acts of piracy and armed robbery off the Somali coast and deplores in particular their recent resurgence. As regards the European Union's contribution to the implementation of UN Security Council Resolution 1816 on combating piracy off the Somali coast and to the protection, under Resolutions 1814 and 1816, of vessels chartered by the World Food Programme (WFP) and bound for Somalia, the Council has decided to establish, in the next few days, a coordination unit in Brussels with the task of supporting the surveillance and protection activities carried out by some Member States off the Somali coast. To that end, it has approved a plan for implementing this military coordination action (EU NAVCO).

6. In this context, the Council has also approved a strategic military option for a possible European Union naval operation. The Council would like to see the current planning work press ahead."

Euro-Mediterranean Employment and Labour Ministers Conference

The Council approved draft conclusions with a view to the first Euro-Mediterranean Employment and Labour Ministers Conference, to be held on 9 and 10 November 2008 in Marrakech.

The text will be forwarded to the Mediterranean partner countries and will be finalised at the close of negotiations to be undertaken with them.

Euro-Mediterranean Conference on health

The Council approved a draft declaration for the second ministerial Euro-Mediterranean Conference on health, which will take place on 17 November 2008 in Egypt.

The text will be forwarded to the Mediterranean partner countries and will be finalised at the close of negotiations to be undertaken with them.

EU/Albania - Cooperation agreements - EU enlargement

The Council adopted two Decisions on the signing of a protocol to the stabilisation and association agreement with Albania ([7998/08](#)) and on the signing and conclusion of the Protocol to the Interim Agreement on trade and trade-related matters with Albania ([8066/08](#)), with a view to taking account of the accession of Bulgaria and Romania to the European Union in January 2007.

DEVELOPMENT COOPERATION

Mauritania - Coup d'état - Initiation of consultations under the ACP-EU agreement

The Council approved the sending of a letter to the Mauritanian authorities inviting them to begin consultations under the Cotonou agreement, in response to a coup d'état carried out there in August 2008.

The aim of the consultations is to examine the situation in depth and seek solutions in order to re-establish constitutional legality in Mauritania.

The Cotonou partnership agreement between the EU and the ACP countries, to which Mauritania is a signatory, contains provisions allowing for consultations to be launched in cases of serious breach of essential aspects of the agreement.

On 6 August 2008, following a following a coup carried out by military forces, a junta seized power in Mauritania. President Abdallahi, who was democratically elected in March 2007 following elections judged to be free and transparent by the international community, was deposed and arrested. This coup has been roundly condemned by the international community, and particularly by the United Nations, the African Union and the EU.

International Cocoa Agreement

The Council adopted a Decision authorising the Commission to begin negotiations for an international agreement to replace the 2001 International Cocoa Agreement.

Development and External Assistance Policies - *Council conclusions*

The Council adopted the conclusions set out in [12062/08](#).

EUROPEAN SECURITY AND DEFENCE POLICY

EU-Canada - cooperation in civilian and military crisis management

The Council approved a draft EU-Canada work programme for increased cooperation in civilian and military crisis management.

EU EUFOR Tchad/RCA military operation - Participation of Croatia

The Council adopted a Decision approving the conclusion of an Agreement with Croatia on the participation of that country in the European Union military operation in Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) (12424/08).

COMMERCIAL POLICY

Anti-dumping - magnesia bricks originating in China

The Council adopted a Regulation terminating the new exporter review of Regulation No 1659/2005 imposing a definitive anti-dumping duty on imports of certain magnesia bricks originating in China (12479/08).

Anti-dumping duties: polyester fibres originating in Belarus, China, Saudi Arabia and Korea

On 10 September the Council adopted by the written procedure a Regulation maintaining the anti-dumping duties on imports of polyester staple fibres originating in Belarus, China, Saudi Arabia and Korea following a partial interim review pursuant to Regulation No 384/96 (12468/08).

ECONOMIC AND FINANCIAL AFFAIRS

Managing the assets of the European Coal and Steel Community (ECSC)

The Council adopted a Decision amending the multiannual financial guidelines for managing the assets of the European Coal and Steel Community (ECSC) in liquidation and, on completion of the liquidation, the Assets of the Research Fund for Coal and Steel (11583/08).

Following the expiry of the ECSC Treaty on 23 July 2002, the management of the assets of the ECSC in liquidation and the Assets of the Research Fund for Coal and Steel was entrusted to the Commission.

Decision 2003/77/EC provides that "the Commission shall reassess the operation and effectiveness of the financial guidelines and shall propose any appropriate amendments" every five years and, for the first time, before 31 December 2007.

The amendments adopted are the outcome of that first reassessment and are intended to improve the effectiveness of the financial guidelines by adapting them to new market elements and clarifying certain concepts.

Italy - value added tax

The Council adopted a Decision authorising Italy, with respect to tax periods falling between 1 January 2008 and 31 December 2010, to exempt from VAT taxable persons whose annual turnover is no higher than EUR 30 000 (12222/08).

This measure derogates from Directive 2006/112/EC on the common system of value added tax.

GENERAL AFFAIRS

Mechanism on Cooperation for Bulgaria and Romania - Council conclusions

The Council adopted the following conclusions:

"Reaffirming its conclusions of 17 October 2006, 23 July 2007 and 10 March 2008, the Council welcomes the Commission's reports on progress in Romania and Bulgaria under the Cooperation and Verification Mechanism. The Council thanks the Commission for its work and fully shares the objective and balanced analysis contained in those reports.

The Council acknowledges the efforts made by both Member States to make the progress needed to meet the objectives set under the mechanism, and notes their current cooperation with the Commission and the other Member States. It recalls the importance of the political will to take the necessary steps and welcomes the commitment to do so, reaffirmed by Bulgaria and Romania.

The Council calls on Bulgaria and Romania to intensify their efforts by taking all the necessary steps without delay and by demonstrating tangible and lasting results, especially in the areas highlighted in the reports. The existence in each Member State of an impartial, independent and effective administrative and judicial system, with sufficient resources, is essential to enable EU policies to function properly and to ensure that citizens have access to all the benefits and opportunities offered by membership of the Union.

The Council notes that Romania has put in place the fundamental elements of the administrative and judicial system. Now what is needed is to consolidate the reforms undertaken, and to produce results which are more convincing and more lasting, so as to show that the system actually functions effectively in all areas.

While noting the efforts already made on the path to reforms, the Council invites Bulgaria to work steadfastly in order to make decisive progress rapidly in all areas. In this respect, it is important that Bulgaria should without delay achieve substantial and convincing results, and that it should implement the thorough reforms which are needed in order to have effective institutions and procedures and thus enable Bulgaria's citizens to take full advantage of the assistance provided by the EU.

In cooperation with Bulgaria and Romania, the other Member States are ready to continue to grant every necessary assistance.

The Council notes that the Cooperation and Verification Mechanism is an appropriate tool, and that it will remain in place pending the results expected in this framework. The Council will continue to pay careful attention to developments in this area."

Proceedings in the Council's other configurations

The Council took note of a Presidency report on proceedings in its other configurations (12714/08).

SOCIAL POLICY

Temporary agency workers

The Council adopted, by a qualified majority ¹, a common position with a view to the adoption of a Directive on temporary agency work (10599/08, 10599/08 ADD 1, 10599/08 ADD 1 COR 1).

The Directive is to be adopted under the co-decision procedure with the European Parliament. The common position is the outcome of the Council's first reading of the text, in response to the Parliament's opinion at first reading. It will be referred to the Parliament for a second reading. A final version of the Directive should be adopted after the second reading by both bodies, subject to any further amendments.

¹ The Belgian, Hungarian, Maltese and Portuguese delegations abstained.

The objective of the draft Directive is to ensure the protection of temporary agency workers and to improve the quality of temporary agency work by ensuring that the principle of equal treatment is applied to temporary agency workers and by recognising temporary work agencies as employers. The draft Directive also aims to establish a suitable framework for the use of temporary agency work with a view to contributing effectively to the creation of jobs and to the development of flexible forms of working¹.

Working time

The Council adopted, by a qualified majority², a common position with a view to the adoption of a Directive amending Directive 2003/88/EC concerning certain aspects of the organisation of working time ([10597/08+10597/1/08](#) ADD 1 REV1, [10597/08](#) ADD1 COR 1, [10597/08](#) ADD1 COR 2, [12555/08](#) ADD 1).

The Directive is to be adopted under the co-decision procedure with the European Parliament. The common position is the outcome of the Council's first reading of the text, conducted in parallel with that of the Parliament. It will be referred to the Parliament for a second reading. A final version of the Directive should be adopted after the second reading by both bodies, subject to any further amendments.

Directive 2003/88/EC establishes minimum requirements concerning the organisation of working time, inter alia, in respect of daily and weekly rest periods, breaks, maximum weekly working time, annual leave and certain aspects of night work, shift work and patterns of work.

The main changes in the new text concern on-call time, which is to be taken into account, the balance between work and family life and the "opt-out", i.e. the option of not applying the average weekly limit (48 hours) if the worker agrees to work longer hours³.

¹ See the ESPHCA Council press release (10414/08) for further details of the content of the draft Directive.

² The Spanish and Greek delegations voted against and the Belgian, Cypriot, Hungarian, Maltese and Portuguese delegations abstained.

³ See the ESPHCA Council press release (10414/08) for further details of the content of the draft Directive.

AGRICULTURE

Placing of plant protection products on the market - "Pesticides" Regulation

The Council adopted, by a qualified majority ¹, a common position with a view to the adoption of a Regulation concerning the placing of plant protection products on the market ([11119/08](#) + [11119/08 ADD 1](#), [12553/08 ADD 1](#)).

The Regulation is to be adopted under the co-decision procedure with the European Parliament. The common position adopted by the Council is the outcome of its first reading of the text, following that of the Parliament. It will be referred to the Parliament for a second reading. A final version of the Regulation should be adopted after the second reading by both bodies, subject to any further amendments.

The aim of the draft Regulation is to overhaul the current legislation completely in order to strengthen the protection of human health and the environment, improve the operation of the internal market and update authorisation procedures.

Its main provisions concern a positive list of active substances, the criteria for approval of substances and a compulsory system of mutual recognition of authorisations based on the division of EU territory into three authorisation zones ².

TRANSPORT

Agreement with Israel on air services

The Council adopted a Decision approving the signature and provisional application of an agreement between the EU and Israel on certain aspects of air services.

¹ The Hungarian, Irish, Romanian and United Kingdom delegations abstained.

² See the Agriculture and Fisheries Council press release ([9039/08](#)) for further details of the content of the draft Regulation.

The agreement is the outcome of negotiations conducted pursuant to a brief whereby the Commission may negotiate with any third country in order to align bilateral air agreements concluded between the Member States and a third country on Community law.

Elimination of border controls in transport

The Council adopted a codified version of the Regulation on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport (3627/08).

The new Regulation replaces the various acts incorporated into Regulation No 4060/89, while fully preserving their content.

TELECOMMUNICATIONS

European Network and Information Security Agency

The Council adopted a Regulation amending Regulation (EC) No 460/2004 establishing the European Network and Information Security Agency as regards its duration (3643/08).

The Agency's mandate is extended by three years so that work involving the Agency can be continued and further detailed consideration can be given to the general direction of European efforts towards an increased network and information security.

The Agency was set up in 2004 for a limited period and its mandate expires in March 2009. Its purpose is to enhance the capability of the EU, the Member States and, as a consequence, the business community to prevent, address and respond to network and information security problems. To that end, the Agency is a centre of excellence for network and information security problems and encourages cooperation between the public and private sectors.

EUROPEAN ECONOMIC AREA

Amendments to the EEA Agreement - social security

The Council approved a Decision enabling the European Economic Area (EEA) Joint Committee to adopt a Decision amending Annex VI on social security to the EEA Agreement (11411/08).

The Joint Committee's mandate provides for the incorporation of all relevant Community legislation in the EEA Agreement in order to ensure the legal certainty and consistency of the internal market.

ENERGY

Energy statistics

The Council adopted a Regulation establishing a common framework for the production, transmission, evaluation and dissemination of comparable energy statistics in the Community (3619/08).

The EU needs to have precise and timely data on energy quantities, their forms, sources, generation, supply, transformation and consumption, for the purpose of monitoring the impact and consequences of its policy work on energy. The Regulation applies to statistical data concerning energy products and their aggregates in the EU.

FISHERIES

EU/Denmark-Faroe Islands - Tariff quota

The Council adopted a Decision enabling the EC/Denmark-Faroe Islands Joint Committee to adopt a Decision amending a Protocol to the Agreement between the EU and Denmark and the Home Government of the Faroe Islands (10556/08).

The aim of the Decision is to add salted and dried coalfish, common whelk and crab to the list of fishery products from the Faroe Islands that may be imported free of duty into the Community. These products will, however, be subject to a tariff quota.

APPOINTMENTS

Committee of the Regions

The Council adopted a Decision appointing for the remainder of the current term of office, ending on 25 January 2010:

(a) as members:

- Mr Wolfgang REINHART, Minister für Bundes- und Europaangelegenheiten, Baden-Württemberg,
- Mr Francesco MUSOTTO, Deputato dell'Assemblea Regionale Siciliana,
- Mr Vladimír BAJAN, predseda Bratislavského samosprávneho kraja (President of the autonomous region of Bratislava) (change of mandate),
- Mr Patrick LACHAERT, Vlaams Volksvertegenwoordiger (change of mandate),

(b) as alternate members :

- Mr Milan MURGAŠ, predseda Banskobystrického samosprávneho kraja (President of the autonomous region of Banská Bystrica),
- Mr Marc VAN DEN ABELEN, Vlaams Volksvertegenwoordiger.