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### **Justice and Home Affairs**

Brussels, 8 and 9 November 2010

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# **P R E S S**

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## **Main results of the Council**

*In the **asylum and migration** part of the Council, ministers agreed to grant **visa free travel** to and throughout the Schengen area for citizens of **Albania and Bosnia and Herzegovina** who are in possession of biometric passports. Ministers also continued work on the **Common European Asylum System (CEAS)**.*

***Interior ministers** addressed, among other things, a number of problems in the implementation of the **Prüm decisions** which concern the **automated data exchange of DNA, fingerprints and vehicle registration data**. The Council also adopted conclusions on the creation and implementation of an **EU policy cycle for organised and serious international crime**.*

*The main files discussed by the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland), a meeting held in the margins of the Council, include:*

- the development of the **Schengen Information System II (SIS II)**,*
- the revised rules for the external borders agency **FRONTEX**,*
- the revised rules for the **immigration liaison officers network**, and*
- the Commission's **sixth visa reciprocity report**.*

***Justice ministers** discussed, among other things, the way forward on the following three legislative proposals:*

- the establishment of a **European Investigation Order**,*
- the right to **information in criminal proceedings** ("Letter of rights"), and*
- measures to combat new forms of **cyber crime**, in particular large-scale cyber attacks.*

*On the basis of two reports, ministers also took note of the **state of the drugs problem in Europe in 2010**.*

*Important **A-items** adopted by the Council without discussion include conclusions on **preparedness and response in the event of a CBRN attack**, conclusions on **innovative solutions for financing disaster prevention** and a resolution on **preventing and combating road freight crime** and providing secure truck parks. The Council also adopted a decision **ending restrictive measures to Sierra Leone**.*

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**ITEMS DEBATED**

**Visa liberalisation for Albania and Bosnia and Herzegovina**

Citizens of Albania and Bosnia and Herzegovina possessing biometric passports will be able to travel to and throughout the Schengen area without a visa. That is the result of a unanimous decision by the Council which amends regulation No 539/2001 ([PE-CONS 50/10](#)). The European Parliament gave its green light to the amendments on 7 October 2010.

The visa free regime concerns stays of up to 90 days. Concerning the entry into force, article 2 of the adopted text reads: "on the day following that of its publication in the Official Journal of the European Union". This is expected to occur in mid-December.

With this decision Albania and Bosnia and Herzegovina join the former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia who already enjoy a visa free regime since 19 December 2009.<sup>1</sup>

The Commission entered a statement to the minutes of the Council meeting on the establishment of a follow-up mechanism to the visa liberalisation process for the Western Balkan countries. This follow-up mechanism concerns the monitoring of the reforms which these countries need to continue to carry out. It also introduces emergency consultation arrangements so that the European Union and its member states can, in cooperation with the authorities of the countries concerned, react in the best possible conditions to any specific difficulties which might arise with flows of persons from the countries of the Western Balkans. This includes that the Commission may if necessary propose the suspension of visa free travel. The Commission will report back regularly to the Council and the European Parliament.

On 1 January 2008, Visa Facilitation Agreements entered into force with five Western Balkan countries – Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia –, as a first concrete step towards visa exemption for their citizens. With each of these countries, a visa liberalisation dialogue was opened in 2008 and roadmaps for visa liberalisation were established. The decisions on visa free access to the Schengen area are based on the progress made by the countries concerned in implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration and improving their administrative capacity in border control and security of documents.

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<sup>1</sup> The amended regulation from late 2009 also makes a reference to Kosovo under UNSCR 1244/99 with the result that persons residing in Kosovo require a visa when travelling to the EU ([15521/09](#)).



**Common European Asylum System (CEAS)**

Ministers continued work on the establishment of a Common European Asylum System (CEAS) on the basis of a discussion paper ([15561/10](#)). The CEAS includes a package of six legislative proposals which EU member states have committed to adopt by 2012.

The main focus of the debate was on the developments since the October Council, in particular as regards the four proposals that have been identified as priority instruments on the legislative side of the CEAS: the Directives on Qualification and on Long Term Residents and the Regulations on Dublin II and Eurodac. Furthermore, the Presidency identified a number of possible priority objectives, reflecting the discussion at the discussion at the Ministerial Conference on Asylum in September 2010, for the new European Asylum Support Office (EASO) . The EASO will soon be operational and is designed to become an important tool for practical cooperation and solidarity in the asylum area.

On the Eurodac regulation, all member states that took the floor voiced their disappointment that the provision for law enforcement access to the Eurodac data had been omitted from the latest Commission proposal. Some member states emphasised the need for the principle of solidarity to be adequately reflected in the development of the next phase of the CEAS, including in the context of discussions on the revision of the Dublin II mechanism. The current text of the Dublin II regulation states that the member states through which an asylum seeker first entered the territory of the EU are responsible for dealing with that person's request for asylum.

The Commission welcomed the progress made in the negotiations on the various legislative proposals. It indicated that it was ready to reconsider the question of law enforcement access in the context of the Eurodac regulation. In addition to that, the Commission announced its intention to submit in 2011 amended proposals regarding the other two legislative files that are part of the overall package, namely the Reception and Procedures Directives.

### **Implementation of Prüm decisions**

The Council confirmed that a large majority of member states will be able to implement the "Prüm Decisions" (Council Decisions 2008/615/JHA and 2008/616/JHA) in due course. The two decisions provide member states' law enforcement agencies with additional tools in fighting serious crime and terrorism, in particular by enhancing automated data exchange regarding DNA, fingerprints and vehicle registration data (VRD).

Some member states, however, have difficulties to meet the 26 August 2011 deadline for the implementation of the provisions on automated data exchange for the three data types. The problems identified include IT and financial problems, logistic, legal and political decision making problems as well as shortage in personnel. Ministers agreed that the member states concerned should intensify their efforts and that those member states which are already operational should increase their efforts to provide technical assistance.

### **EU policy cycle for organised and serious international crime**

The Council discussed and approved conclusions on the creation and implementation of a EU policy cycle for organised and serious international crime ([15358/10](#)).

The conclusions outline a reduced policy cycle for the years 2011 to 2013 which specifies the actions and initiatives to be carried out over this time span as well as the leading actors, other actors involved and the timing. They also underline that this first policy cycle should serve as a basis for a fully fledged policy cycle for the years 2013 to 2017.

In general terms, the policy cycle consists of four steps:

- Policy development on the basis of a European Union Serious and Organised Crime Threat Assessment (EU SOCTA) that will provide a complete and thorough picture of criminal threats impacting the EU. The EU SOCTA will be developed by EU agencies under the leadership of Europol.
- Policy setting and decision-making based on a limited number of priorities, both regional and pan-European, that will be identified by the Council. For each of the priorities, the Commission together with the experts from the relevant EU agencies and member states will develop a Multi-Annual Strategic Plan (MASP).

- Implementation and monitoring of annual Operational Action Plans (OAP) in line with the strategic goals as determined in the MASP. Converting the MASPs into OAPs is done by the member states and the agencies. The OAPs are validated by the Council's Internal Security Committee, COSI.
  
- At the end of the policy cycle a thorough evaluation will be conducted and will serve as an input for the next policy cycle. The Commission is tasked to carry out this evaluation and to transmit the results to the Council.

The scope of the policy cycle 2011-2013 is limited to organised and serious international crime. If in the future other policy cycles were to be created (e.g. for counter terrorism or disaster management), these policy cycles will have to follow the same methodology and timing so as to allow the political level to decide at the same time on the priorities.

In this context, the Commission indicated that it will publish a communication on the Internal Security Strategy (ISS) on 17 November 2010 which would be presented to the JHA Council on 2-3 December. The follow-up to the ISS is to be aligned to the EU Policy cycle.

## **European Investigation Order**

Mutual recognition as the basis to allow one EU member state to carry out investigative measures at the request of another EU members state - with this goal in mind ministers held a first policy debate regarding the creation of a European Investigation Order (EIO) in criminal matters.

On the basis of a working document ([15531/10](#)), ministers focused their debate on the following key issues which touch upon the core of the principle of mutual recognition:

- How to limit as much as possible grounds for refusal: Most member states supported the suggestion of the presidency to move away from a general ground for refusal and, instead, take a differentiated approach according to the intrusiveness of an investigative measure. Following this idea, a wide flexibility would be maintained for the most intrusive measures such as interception of telecommunications.
- How to safeguard the proportionality of a request without hampering cooperation: Most member states supported that it should be the issuing state which assesses the proportionality of a request. Some estimated, however, that the executing state should also have the right to do so.
- How to deal with the costs for the executing state, including the impact on its human resources: One possibility discussed is to consider the sharing of costs between the issuing and executing states in well-defined circumstances. Besides that, a majority of member states considered that the costs should not constitute a ground for refusal.

The EIO is an initiative which was presented in May 2010 by seven member states ([9288/10](#)).<sup>1</sup> The United Kingdom decided to participate in the EIO by using the opt-in option provided for in Protocol 21 of the Lisbon Treaty. Ireland and Denmark are not taking part.

The main goal of this initiative is to allow one EU member state ("the issuing state") to issue an European Investigation Order and forward it to another member state ("the executing state") in order to have one or several specific investigative measure(s) carried out with a view to gathering evidence. The investigative measures would, for example, include the hearing of witnesses, searches and seizures as well as, with additional safeguards, interceptions of telecommunications, observation, infiltration and monitoring of bank accounts.

For more information, see the Council [background note](#).

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<sup>1</sup> Austria, Belgium, Bulgaria, Estonia, Slovenia, Spain and Sweden.

**Right to information in criminal proceedings**

The right to a written information upon arrest throughout the EU, as part of the protection of the right to a fair trial - that is what ministers discussed in a public session on the basis of a working document ([15618/10](#)). They welcomed the progress made in recent negotiations and asked the Council preparatory bodies to continue work on the outstanding issues.

These issues include the exact way in which the suspected is informed about his rights, the distinction among different phases of criminal proceedings which would lead to a varying extent of the rights in each of these phases, the right to access the case file and the use of the term "case-file" unknown in some member states as well as the question of costs.

The objective of the Presidency is to reach a general approach on this file at the Council in December so as to be able to start negotiations with the Parliament as soon as possible in the new year. One of the main difficulties is to take into account the various legal systems, especially the differences between civil law and common law countries.

Ireland and the United Kingdom decided to participate in the directive by using the opt-in option provided for in Protocol 21 of the Lisbon Treaty. Denmark is not taking part.

The proposal is a second step in a wider package of legislative and non-legislative initiatives that aim at strengthening procedural rights of suspected or accused persons in criminal proceedings.

**Combating new forms of cyber crime**

Measures to combat new forms of cyber crime, in particular large-scale cyber attacks, are the focus of a legislative proposal that the Commission presented to the Council ([14436/10](#)). The main goal of the proposal is to pursue the most effective approaches against the rapidly expanding threat posed by cybercrime and to reinforce cooperation between competent authorities.

Ministers welcomed the proposal and asked the Council preparatory bodies to take work on the file forward quickly.

**State of the drugs problem in Europe in 2010**

The Commission and the director of the European Monitoring Center for Drugs and Drug Addiction (EMCDDA) informed ministers about the Commission 2010 progress report of the EU Drugs Action Plan (2009-2012) and the EMCDDA annual report on the state of the drugs problem in Europe in 2010.

The EMCDDA report, which will officially be presented on 10 November 2010, provides a detailed assessment of Europe's drug situation in 2009. It is based on information provided to EMCDDA by the EU member states, the candidate countries Croatia and Turkey, as well as Norway in form of a national report. Some of the main figures highlighted by the agency's director include:

- the number of EU citizens that took illegal drugs at least once in the past year is estimated at 25-30 mio.;
- heroin continues to pose the biggest problem of all drugs in Europe and is responsible for the biggest share of the 7-8000 drug deaths every year;
- stimulating drugs such as cocaine, amphetamines and ecstasy are another major problem with an estimated 4 mio. cocaine and an estimated 2.5 mio. ecstasy consumers in Europe last year;
- poly-drug use, i.e. the combined use of illicit and licit substances, including alcohol, volatile substances and tobacco is an increasing source of concern;
- cannabis remains the most consumed drug with an estimated 23 mio. consumers last year, 4 mio. of which consume the drug on an (almost) daily basis;
- 24 new substances were found on the market last year which constitutes a record.

The Commission report ([15671/10](#)) takes stock of the achievements and the progress made since the EU Drugs Action Plan (2009-2012) was adopted in November 2008 ([16116/08](#)). It also highlights the main challenges that still need to be addressed.

**AOB**

**Explosives precursors**

Restricting the marketing and use of explosives precursors to prevent terrorist attacks through a harmonised approach at EU level - that is the goal of a legislative proposal that the Commission presented to the Council ([14376/10](#)). Ministers welcomed the proposal and asked the Council preparatory bodies to start work on the file.

The proposed rules address the problem of the misuse of certain chemicals as precursors to home-made explosives which are the means most frequently used to carry out terrorist attacks. Currently, the general public has relatively easy access to these chemicals. The internet is an easy channel to buy precursors, too.

Existing measures at different levels are either not specifically focused on the security risks associated with certain chemicals or do not cover the entire EU. Therefore the precursors that may be restricted or controlled in one country can be easily obtained in another.

The aim of the Regulation is to ensure a holistic approach at the EU level minimising the current differences in national approaches. This will improve the functioning of the internal market and will prevent terrorists and other criminals from making use of lower standards in certain Member States.

The scope of the proposal is limited to a short list of chemical substances and their mixtures posing the greatest concern, and to the sales of these to the general public and not to professional users or in business-to-business operations.

The abovementioned goal will be achieved by:

- setting concentration thresholds for the sale of certain precursors to the general public, with a system to report suspicious transactions for certain precursors. Consumers would have an open access to chemical substances below a certain concentration level. Access to higher concentrations would not be banned, but restricted and controlled.
- Developing a consumer licensing system to allow the sales of higher concentrations.

- Adding voluntary measures to support the development and implementation of this policy option, using specific education, training, awareness raising and support to medium and small supply chain stakeholders measures.

These proposed measures are intended to constitute a tangible deliverable under the 'prevent' strand of the [EU Counter-Terrorism Strategy](#) adopted by the JHA Council on 1 December 2005.

### **Prague Process: Migration flows and border control at the Eastern and South-Eastern borders**

How to better manage migration flows and border control at the Eastern and South-Eastern borders of the EU? In the name of five member states (the Czech Republic, Hungary, Poland, Romania and Slovakia), the Hungarian and Czech ministers presented plans to continue work on the so-called "Prague Process - Building Mobility Partnerships".

The Prague Process is a joint declaration adopted at a ministerial conference held in April 2009 and aims at intensifying the EU's efforts to establish a flexible and result-oriented mechanism of co-operation with main countries of transit and origin alongside the Eastern and South-Eastern European migratory routes (Commonwealth of the Independent States, Western Balkans and Turkey). The Polish EU presidency wants to organise the second ministerial conference in Kraków in October 2011.

### **Mediterranean Office for Youth**

The French minister informed the Council on the setting up of a Mediterranean Office for Youth at the beginning of next year. The main goal of the initiative is to create a mobility programme for Mediterranean youth. Among other things, it includes the certification of masters and doctoral programmes for which students can get grants and the launch of a platform for work experience and jobs.

This intergovernmental initiative was launched by 16 countries on the northern and southern shores of the Mediterranean (Albania, Bosnia-Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Italy, Lebanon, Malta, Montenegro, Morocco, Slovenia, Spain, Tunisia and Turkey) in Paris on 14 December 2009. The project allows other member states of the Union of the Mediterranean to be included later.



**MIXED COMMITTEE: SIS II, FRONTEX, immigration liaison officers network, visa liberalisation and visa reciprocity**

In the margin of the Council session, the Mixed Committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following subjects:

**SIS II**

On SIS II, the committee took note of a Commission report on the progress made in light of the global schedule and comprehensive budgetary estimate presented at the October Council. The global schedule provides for entry into operation of the SIS II by the first quarter of 2013.

For more information, see the Council [background note](#).

**FRONTEX regulation**

The committee discussed the state-of-play concerning revised rules for the external borders agency FRONTEX. Some of the issues outstanding include the development of a common integrated risk analysis model, the processing of personal data and the creation of a European system of border guards.

Council preparatory bodies will continue to discuss the text. Negotiations with the European Parliament have not yet started.

On 24 February 2010 the Commission submitted a proposal to amend Council Regulation (EC) No 2007/2004 ([6898/10](#)).

**Immigration liaison officers network**

The committee heard a progress report on the negotiations concerning revised rules of the immigration liaison officers (ILO) network ([11966/09](#)). The ILO network was established in 2004 as a cooperation tool for the management of migration flows and of the EU's external borders.

Amendments to regulation (EC) No 377/2004 aim mainly at making the use of the network more efficient by providing a legal basis for cooperation between Frontex and the ILO networks, promote the use of an internal IT tool for regular exchange of information and practical experience, highlight the possibility of using the External Borders Fund for the creation and smooth operation of ILO networks, and rationalise the reporting system related to the activities of the ILO network.

## **Visa liberalisation for Albania and Bosnia and Herzegovina**

The committee discussed the issue of visa liberalisation for citizens of Albania and Bosnia and Herzegovina. Afterwards, the Council agreed to grant visa free travel to and throughout the Schengen area for citizens of Albania and Bosnia and Herzegovina who possess biometric passports. This visa free regime is expected to take effect in mid-December 2010.

For more information see separate note above.

## **Visa reciprocity: Sixth Commission report**

The Council exchanged views regarding the sixth visa reciprocity report as presented by the Commission (15992/10). Ministers instructed the Council working bodies to have a more in-depth analysis of the report and asked the Commission to continue its efforts towards full visa reciprocity with all countries in breach of the principle of reciprocity as set out in regulation 539/2001.

The report, which was adopted on 5 November 2010, focuses on the progress made towards full visa reciprocity with a number of third countries and addresses those cases where non-reciprocity remains an issue.

Regarding Canada, the report outlines the state of play of negotiations on Canada's reintroduction of visa requirements for Czech nationals in July 2009 and touches on the persisting visa requirement for citizens from Bulgaria and Romania.

The report also looks at visa relations with the United States of America. Four EU member states are not yet included in the US Visa Waiver Program (Bulgaria, Cyprus, Poland and Romania). In addition, the report refers to the introduction of a fee in connection with the US Electronic System for Travel Authorization (ESTA).

The report also welcomes the visa agreements reached with Brazil concerning holders of ordinary passports (13712/10) and holders of diplomatic, service or official passports (13708/10). These two agreements were signed in the margin of the Council meeting. For more information see this [press release](#).

Regulation 539/2001 establishes, among other things, two lists: one concerning third countries whose citizens are required to have a visa when travelling to the EU and Schengen associated countries (negative list) and one concerning third countries whose citizens are exempted from the visa requirement (positive list). Under the regulation, as amended by regulation 851/2005, the Commission is required to regularly report on matters regarding situations of non-visa reciprocity with those third countries that are on the positive list.

**OTHER ITEMS APPROVED**

**JUSTICE AND HOME AFFAIRS**

**Agreements with Georgia**

The Council requested the consent of the European Parliament ([15542/10](#)) in order to adopt the decision concluding the agreement between the European Union and Georgia on the facilitation of the issuance of visas ([10304/10](#)). In parallel, the Council also requested the consent of the European Parliament ([15201/10](#)) in order to adopt the decision concerning the signature of a readmission agreement between the European Union and Georgia ([14654/10](#)).

**European Police College**

The Council approved a draft cooperation agreement between the European Police College (CEPOL) and the Croatian Police College ([11592/10](#)). It also approved some amendments to the existing cooperation agreements between CEPOL and the Icelandic National Police College, the Norwegian Police University College and the Swiss Police Institute ([11591/10](#)).

**ENFAST - European Network on Fugitive Active Search Teams – Resolution**

The council adopted the resolution set out in [15382/10](#)

**Preparedness and response in the event of a CBRN attack – Conclusions**

The Council adopted the conclusions set out in [15465/10](#)

**Innovative Solutions for Financing Disaster Prevention – Conclusions**

The Council adopted the conclusions set out in [14971/10](#)

**Europol work programme 2011**

The Council endorsed the European Police Office (Europol) work programme for 2011 ([10098/10](#)), following its adoption by the Europol Management Board after obtaining the Commission's opinion. The Council submitted the Europol work programme to the European Parliament for information.

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<sup>1</sup> OJ L 121, 15.5.2009, p. 37.

**Prevention and reduction of health and social risks associated with the use of illicit drugs in recreational settings – *Conclusions***

The Council adopted the conclusions set out in [15452/10](#)

**Preventing and combating road freight crime and providing secure truck parking areas - *Resolution***

The Council adopted the resolution set out in *12083/4/10*.

**DATA PROTECTION**

**Automated data exchange - Slovakia**

The Council adopted decisions on the launch of automated data exchange with regard to dactyloscopic data in Slovakia ([14616/10](#)) and with regard to DNA data in Slovakia ([14606/10](#)).

**EXTERNAL RELATIONS**

**Sierra Leone - End of restrictive measures**

The Council today adopted without discussion a decision to repeal the restrictive measures imposed on Sierra Leone in 1998 under EU Common Position 98/409/CFSP. The EU measures, applied in line with UN Security Council Resolution 1171 (1998), are no longer needed following the adoption of UN Security Council Resolution 1940 (2010) on 29 September this year repealing the UN measures ([14864/10](#)).

## **Relations with Ukraine**

The Council adopted decisions on:

- the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine on a Framework Agreement on the general principles for the participation of Ukraine in Union programmes;
- the signing, on behalf of the Union, and provisional application of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine on a Framework Agreement on the general principles for the participation of Ukraine in Union programmes. The text of the Protocol is attached to the Decision.

The Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine entered into force on 1 March 1998. The European Neighbourhood Policy, developed in 2004, also enables partners to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community. The Protocol should therefore be signed on behalf of the Union, subject to its conclusion at a later date.

## **Relations with Jordan**

The Council forwarded for the consent of the European Parliament a protocol to the Euro-Mediterranean Agreement establishing an association with Jordan, to take account of the accession of Bulgaria and Romania to the EU, in view of its future conclusion.

## **Annual Report 2010 on the European Union's Development and External Assistance Policies and their Implementation in 2009 – Conclusions**

The Council adopted the conclusions set out in [14908/10](#)

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\* OJ: Please attach document st 13962/10.

**Restrictive measures against Côte d'Ivoire – *Written procedure***

The Council introduced an exemption to the EU arms embargo on Côte d'Ivoire (adopted on 29 October 2010) for the sole purpose of allowing the sale and export of non-lethal military equipment needed for crowd control operations during the presidential election on 31 October and 28 November 2010 (in accordance with UN Security Council Resolution 1946 of 15 October 2010). All the other restrictive measures remain in place, with no expiry date (15254/10).

**EUROPEAN ECONOMIC AREA**

**EU-Norway agreement on trade preferences**

The Council adopted a decision approving the signing of an agreement between the EU and Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area ([14204/10](#), [14372/10](#)).

**ENERGY**

**EU-Russia Permanent Partnership Council on Energy**

The Council took note of the draft agenda for the fifth meeting of the EU-Russia Permanent Partnership Council on Energy, to be held in Brussels on 22 November 2010.

## **ENVIRONMENT**

### **Spatial information**

The Council did not oppose a draft Commission regulation amending the implementing regulation on technical arrangements for the interoperability of data sets of directive 2007/2, which establishes an infrastructure for spatial information in the EU so as to assist policy-making on activities that may have an impact on the environment (12873/10).

### **Integrated pollution prevention and control**

The Council today approved a revised directive on industrial emissions so as to reduce emissions of pollutants that are harmful to the environment and associated with cancer, asthma and acid rain ([31/10](#) + [15400/10](#) + [ADD1](#)).

The industrial emissions directive seeks to prevent and control air, water and soil pollution by industrial installations. It regulates emissions of a wide range of pollutants, including sulphur and nitrogen compounds, dust particles, asbestos and heavy metals. The directive is aimed at improving local air, water and soil quality, not at mitigating the global warming effects of some of these substances.

For more information see press release [15965/10](#)

### **Data collection on ships - International Safety Management Code**

The Council decided not to oppose the adoption by the Commission of a decision establishing a harmonised form for reports in accordance with regulation 336/2006 on the implementation of the International Safety Management Code within the EU ([13228/10](#)).

Every two years member states must communicate to the Commission the information required for the preparation of a report on the implementation of regulation [336/2006](#).

This decision is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it unless the European Parliament objects.

**FISHERIES**

**Convention on future multilateral cooperation in the Northwest Atlantic Fisheries**

The Council approved the amendment to the Convention on future multilateral cooperation in Northwest Atlantic Fisheries ([11076/10](#) + [11076/10 COR 1](#)). This amendment, which has been adopted by the General Council of the Northwest Atlantic Fisheries Organisation (NAFO) in 2007 and 2008, aims to bring the Convention more into line with other more recent regional conventions and international instruments within the field of fisheries and incorporating modern concepts of fisheries management.

**TRANSPARENCY**

**Public access to documents**

The Council adopted:

- the reply to the confirmatory application 20/c/01/10 ([14343/10](#)) ;
  - the reply to the confirmatory application 21/c/01/10, the German, Danish, Finnish, Swedish and United Kingdom delegations voting against ([14425/10](#)) ;
  - the reply to the confirmatory application 22/c/02/10 ([14488/10](#)) ; et
  - the reply to the confirmatory application 23/c/01/10 ([14610/10](#)).
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