



**COUNCIL OF  
THE EUROPEAN UNION**



9097/09 (Presse 97)

**PROVISIONAL VERSION**

## **PRESS RELEASE**

2938th Council meeting

### **General Affairs and External Relations**

### **General Affairs**

Luxembourg, 27 April 2009

President

**Mr Alexandr VONDRA**

Deputy Prime Minister responsible for European Affairs of  
the Czech Republic

\* The 2939th meeting on External Relations is the subject of a separate press release 9098/09

# **P R E S S**

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9097/09 (Presse 97)

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## **Main results of the Council**

*The Council expressed its full support for the ongoing efforts of the Commission to find an overall solution to the stalemate in the **accession negotiations with Croatia**, and a conviction that agreement allowing to proceed with the negotiations should be now within reach.*

*After the Council had an exchange of views on developments following an outbreak of swine flu centred in Mexico, the presidency announced that the Employment, Social Policy, Health and Consumer Affairs Council would be convened for an extraordinary session on 30 April to take stock of the situation.*

*The Council also adopted a series of items, including:*

- conclusions on **Iran** reaffirming the EU's support for efforts to find a negotiated long-term solution to the Iranian nuclear issue and for the "dual-track" process, warmly supporting the new direction of US policy towards Iran, and calling upon Iran to seize the latest opportunity to engage seriously with the international community in a spirit of mutual respect, in order to find a negotiated solution to the nuclear issue;*
- a common position renewing restrictive measures against **Burma/Myanmar** by a further twelve months, in the light of the lack of improvement in the human rights situation and the absence of substantive progress towards an inclusive democratisation process in this country;*
- decisions on the existence of **excessive government deficits** in Ireland, Greece, Spain and France, as well as recommendations on corrective action to be taken. It also adopted a fresh recommendation concerning the UK;*
- an agreement on a joint declaration with the European Parliament and the Commission on the financing of the **European Economic Recovery Plan (EERP)** totalling EUR 5.0 billion, and the necessary decisions on a revision of the multiannual financial framework and an amending budget, necessary to secure the financing of the EERP in 2009, as well as an agreement on a joint declaration with the EP and the Commission on implementation of cohesion policy aimed at speeding up payments.*

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<sup>1</sup> 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.

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## **PARTICIPANTS**

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

### **Belgium:**

Mr Karel DE GUCHT  
Mr Olivier CHASTEL

Minister for Foreign Affairs  
State Secretary for Foreign Affairs with responsibility for preparing for the EU Presidency, attached to the Minister for Foreign Affairs

### **Bulgaria:**

Mr Ivailo Georgiev KALFIN

Deputy Prime Minister and Minister for Foreign Affairs

### **Czech Republic:**

Mr Alexandr VONDRA

Deputy Prime Minister with responsibility for European Affairs

Mr Karel SCHWARZENBERG

Minister for Foreign Affairs

### **Denmark:**

Mr Michael ZILMER-JOHNS

State Secretary for Foreign and Security Policy, EU Policy and EU Coordination

### **Germany:**

Mr Frank-Walter STEINMEIER  
Mr Günter GLOSER

Federal Minister for Foreign Affairs  
Minister of State, Ministry of Foreign Affairs

### **Estonia:**

Mr Urmas PAET

Minister for Foreign Affairs

### **Ireland:**

Micheál MARTIN

Minister for Foreign Affairs

### **Greece:**

Mr Ioannis VALINAKIS

State Secretary for Foreign Affairs

### **Spain:**

Mr Diego LÓPEZ GARRIDO

State Secretary for the European Union

### **France:**

Mr Bruno LE MAIRE

Minister of State with responsibility for European affairs

### **Italy:**

Mr Franco FRATTINI

Minister for Foreign Affairs

### **Cyprus:**

Mr. Andreas MAVROYIANNIS

Permanent representative

### **Latvia:**

Mr Māris RIEKSTIŅŠ

Minister for Foreign Affairs

### **Lithuania:**

Mr Vygaudas UŠACKAS

Minister for Foreign Affairs

### **Luxembourg:**

Mr Jean ASSELBORN

Deputy Prime Minister, Minister for Foreign Affairs and Immigration

### **Hungary:**

Mr Péter BALÁZS

Minister for Foreign Affairs

### **Malta:**

Mr Tonio BORG

Deputy Prime Minister and Minister of Foreign Affairs

### **Netherlands:**

Mr Maxime VERHAGEN

Minister for Foreign Affairs

### **Austria:**

Mr Michael SPINDELEGGER

Federal Minister for European and International Affairs

**Poland:**

Mr Radosław SIKORSKI  
Mr Mikołaj DOWGIELEWICZ

Minister for Foreign Affairs  
State Secretary, Office of the Committee for European  
Integration

**Portugal:**

Mr. Luis AMADO  
Ms Teresa RIBEIRO

State Minister and Minister for Foreign Affairs  
State Secretary for European Affairs

**Romania:**

Mr Cristian DIACONESCU

Minister for Foreign Affairs

**Slovenia:**

Mr Samuel ŽBOGAR

Minister for Foreign Affairs

**Slovakia:**

Mr Miroslav LAJČÁK

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 Olli REHN  
Ms Benita FERRERO-WALDNER

Member  
Member

**General Secretariat of the Council:**

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

**ITEMS DEBATED**

**ACCESSION NEGOTIATIONS WITH CROATIA**

The Council held an exchange of views on the state of play given the stalemate in the accession negotiations with Croatia following information provided by Commissioner Olli Rehn on the ongoing Commission's efforts in this regard, backed by the Presidency Trio (Czech Republic, France and Sweden).

The Council recalled the importance and urgency attached to this issue since the whole timeline of the process is at stake, and the implications this has not only for Croatia but also for the whole region.

Underlining the fact that the accession negotiations are conducted in line with the Negotiating Framework, the relevant conclusions of the European Council and the Council and in accordance with the *acquis*, the Council expressed its full support for the ongoing efforts of the Commission to find an overall solution to the situation, and a conviction that agreement allowing to proceed with the negotiations should be now within reach.

The Council took note of the political will expressed by the Parties involved to act constructively at this decisive stage, in an expectation of a positive answer to the Commission's initiative as soon as possible.

The Council stressed that it will continue to closely follow progress in the negotiations with Croatia.

**OTHER BUSINESS**

- *Swine flu*

The Council was briefed by commissioner Androulla Vassiliou on latest developments following an outbreak of swine flu centred in Mexico. It held a brief exchange of views.

The presidency announced that the Employment, Social Policy, Health and Consumer Affairs Council would be convened for an extraordinary session on 30 April to take stock of the situation.

- *Social troika summit on employment*

The Council took note of preparations for the summit of the social troika on employment, to be held on 7 May.

- *Southern corridor summit*

The Council took note of preparations for the southern corridor summit to be held in Prague on 8 May.

**OTHER ITEMS APPROVED**

**EXTERNAL AFFAIRS**

**Iran - Council conclusions**

The Council adopted the following conclusions:

"The EU reaffirms its full and unequivocal support for efforts to find a negotiated long-term solution to the Iranian nuclear issue within the framework of UNSCR 1696, 1737, 1747, 1803 and 1835 and its support for the dual-track process.

The EU warmly supports the new direction of US policy towards Iran, which opens a window of opportunity for negotiations on all aspects of Iran's nuclear programme and more broadly for engagement with Iran. The EU welcomes the decision of the US to participate fully in the negotiations together with China, France, Germany, the Russian Federation and the UK supported by the High Representative and join in any future meetings with representatives of the Islamic Republic of Iran. The EU welcomes the efforts by the High Representative Javier Solana, on behalf of the EU and the international community, in view of facilitating the resumption of the negotiating process, in line with the package proposals for cooperation with Iran.

The EU calls upon Iran to seize this opportunity to engage seriously with the international community in a spirit of mutual respect, in order to find a negotiated solution to the nuclear issue which will address Iran's interests, including the development of a civil nuclear power generation programme, as well as the international community's concerns. The evolution of our relations with Iran will also depend on it.

Iran's nuclear programme remains a matter of grave concern for the international community, since if Iran were to acquire a military nuclear capability, this would constitute an unacceptable threat to security, both regional and international. Iran must restore confidence in an exclusively peaceful nature of its nuclear activities. The EU encourages Iran to comply with its international obligations."

## **Restrictive measures against Burma/Myanmar**

The Council adopted a common position (8348/09):

- renewing restrictive measures against Burma/Myanmar by a further twelve months until 30 April 2010, in the light of the lack of improvement in the human rights situation and the absence of substantive progress towards an inclusive democratisation process in this country;
- amending the lists of persons and enterprises subject to these measures in order to take account of changes in the government and other official bodies of Burma/Myanmar, as well as in the personal situations of the individuals concerned, and in order to update the list of companies that are owned or controlled by the military regime.

The current restrictive measures include a ban on the sale of arms to Burma/Myanmar, an assets freeze and the prohibition of the entry into and the transit through an EU member state of persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Burma/Myanmar.

## **Ministerial meeting with the Gulf States**

The Council took note of the state of preparation for the 19th ministerial meeting between the EU and the Gulf Cooperation Council (GCC) which will take place in Muscat 29 April 2009, and approved the draft agenda of the meeting.

## **EU-Canada**

The Council adopted a decision authorising the Commission to open negotiations for an Economic Integration Agreement with Canada, which will contain provisions on trade and trade-related.

It also took note of the state of play of preparations for the EU-Canada Summit, which will take place in Prague on 6 May 2009. This meeting will focus in particular on comprehensive economic partnership, financial crisis, climate change and energy (run up to Copenhagen and energy cooperation) and foreign policy.

**Democratic Republic of Congo - restrictive measures**

The Council adopted a decision amending the list of persons and entities set out in the Annex to Common position 2008/369/CFSP concerning restrictive measures against the Democratic Republic of the Congo ([7765/09](#)). The decision follows amendments to the list of persons and entities which are subject to restrictive measures by the Sanctions Committee established pursuant to United Nations Security Council Resolution 1533 (2004).

**DEVELOPMENT**

**Extension of the Food Aid Convention**

The Council adopted a decision establishing its position within the Food Aid Committee on the extension of the Food Aid Convention ([8229/09](#)). The Food Aid Convention was last extended in June 2008 by decision of the Food Aid Committee until 30 June 2009. A proposal for extending that Convention until 30 June 2010 will be submitted for adoption at the next meeting of that Committee on 5 June 2009

**GENERAL AFFAIRS**

**Instrument for Structural Policies for Pre-accession (ISPA) - *Council conclusions on Special Report 12/2008 by the Court of Auditors***

The Council adopted the following conclusions:

- "1. The Council thanks the Court of Auditors for its Special Report No 12/2008. It has carefully examined this important document, and has taken note that the objective of the Court was to assess the effectiveness of the ISPA Programme, by focusing on three main issues: a) whether there was a coherent strategy and an adequate preparation, b) whether projects were implemented according to planning, and c) whether projects contributed to the compliance, by the beneficiary countries, with the EU environmental acquis and to the improvement of the Trans European Network (TEN-T).

2. The Council notes with satisfaction the Court's assessment that a coherent strategic framework was in place and that, as a result, ISPA projects generally contributed to increase the compliance with the EU environmental standards and to improve the links to the TEN-T. The Council would like to commend the Commission for these positive findings.
3. The Council also notes that the Court has indicated some shortcomings which occurred, in particular the fact that, while the basis was a coherent strategy, the preparation of the projects was not always adequate. Furthermore, the Court underlined the fact that, very often, projects were not implemented according to the planning: there were significant delays and considerable changes in the financing plans.
4. The Council takes good note of the Commission replies to the Court's Report, in particular of the explanations given by the Commission in response to the specific remarks of the Court on the shortcomings which were observed. The Council welcomes the general statement that the Commission agrees with the Court's recommendations. It notes in particular that the Commission intends to continue to monitor ex-ISPA projects, paying particular attention to cost overruns and delays in implementation.
5. The Council recalls the great importance it attaches to the efficiency and effectiveness of the pre-accession aid. In this context, the Council takes note with particular interest of the recommendations made by the Court in order to avoid shortcomings in the future. It encourages the Commission to follow the recommendations of the Court and to take stock of the experience gained, not only with a view to the monitoring of the remaining ex-ISPA projects, but also to the implementation of the new pre-accession instrument IPA."

### **Work in the Council's different configurations**

The Council took note of a report on proceedings in its different configurations ([8807/09](#)).

**ECONOMIC AND FINANCIAL AFFAIRS**

**Council formally opens excessive deficit procedure for Ireland, Greece, Spain and France and issues new recommendation to the UK**

The Council today adopted, under article 104(6) of the treaty, legal decisions on the existence of excessive government deficits in Ireland, Greece, Spain and France, as well as recommendations, under article 104(7), on corrective action to be taken.

It adopted a decision, under article 104(8) of the treaty, establishing that the United Kingdom had not taken action in response to an earlier recommendation issued by the Council on measures to be taken to correct its excessive deficit, and issued a fresh recommendation under article 104(7).

The Council's decision constitutes formal adoption of texts that were discussed and approved by finance ministers on 3 April at an informal meeting in Prague. In the light of the evolving economic situation and the submission of updated budgetary data, some of the figures that were discussed in Prague have since been updated. Some of the member states concerned have already introduced budgetary measures in the meantime.

The treaty sets a 3% reference value for the ratio of planned or actual government deficit to gross domestic product (GDP). In all five member states, that threshold is now exceeded and an excessive deficit procedure is opened.

In its recommendations, the Council sets 27 October 2009 as a deadline for each of the five to take corrective action.

On the basis of the outlook provided by the Commission in interim economic forecasts published in January, it calls on Ireland to reduce its deficit below the 3% of GDP threshold by 2013; it calls on Greece to do so by 2010, Spain by 2012, France by 2012 and the UK by the 2013-14 financial year. All these deadlines reflect public commitments made by the member states concerned prior to the 3 April meeting.

As regards the UK, an excessive deficit procedure was already opened last July, when the Council also issued a recommendation under article 104(7) of the treaty. However, the combined effects of the economic downturn and of stimulus measures adopted since then have led to a substantial deterioration in the UK's budgetary position.

### **Council strengthens tools to counter financial market instability and to enhance liquidity**

The Council adopted a directive amending directives 98/26/EC on settlement finality in payment and securities settlement systems and 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims ([3742/08 REV2](#)), following a first reading agreement with the European Parliament.

The main objective of the amendments is to bring the rules on settlement finality in payment and securities settlement systems as well as on financial collateral arrangements in line with the latest market and regulatory developments and strengthen the tools for managing instability and turmoil in financial markets by:

- protecting the increasing number of linkages between systems to ensure the proper functioning of settlement systems;
- establishing a harmonised legal framework for the use of credit claims as collateral in cross-border transactions to increase market liquidity and promote better availability of credit.

To achieve this goal, the amending directive includes provisions:

- extending the protection of the settlement finality directive to night-time settlement and to settlement between interoperable systems;

- broadening the scope of the protection provided by both directives to include credit claims in order to facilitate their use throughout the EU;
- introducing a number of simplifications and clarifications to facilitate the application of the two directives (e.g. the mobilisation of credit claims can no longer be invalidated on grounds that it was not registered or that the debtor has not been notified).

## **ENERGY**

### **Fourth meeting of the EU-Russia Permanent Partnership Council on Energy**

The Council took note of a draft agenda for the meeting of the fourth EU-Russia Permanent Partnership Council on Energy, which will be held in Moscow on 30 April 2009. The meeting will focus in particular on Russia-EU energy dialogue, bilateral cooperation in the context of other international organisations and future energy relations.

## **BUDGET**

### **European Economic Recovery Plan - Financing**

The Council confirmed its agreement on a joint declaration with the European Parliament and the Commission on the financing of the European Economic Recovery Plan (EERP) totalling EUR 5.0 billion ([8430/09](#)). At the same time, the Council approved a revision of the multiannual financial framework ([8623/09](#)) and an amending budget, necessary to secure the financing of the EERP in 2009 ([8624/09](#)).

The EERP provides for EUR 3.98 billion for energy projects and EUR 1.02 billion for broadband internet as well as new challenges as defined in the health check of the Common Agricultural Policy (CAP).

As regards the energy part of the package, EUR 2.0 billion will be financed in 2009 by increasing the ceiling of heading 1a - competitiveness for Growth and Employment - and decreasing the 2009 ceiling of heading 2 - preservation and management of natural resources - by the same amount; this operation requires a revision of the multiannual financial framework which the Council today approved. The remaining EUR 1.98 billion for energy projects will be financed through a compensation mechanism in the 2010 budgetary procedure and, if necessary, also in the 2011 budgetary procedure. This includes the use of the remaining margins under the 2009 ceilings and the 2010 available margins and, if need be, of all other financial availabilities, including the 2011 available margins.

With regard to broadband and the new challenges of the CAP, EUR 600 million are being added to the rural development budget in 2009 by an amending budget which the Council today approved. The remaining EUR 420 million will be committed in 2010 within heading 2.

Whilst the financing of the EERP requires additional contributions from the member states, the overall ceiling of the 2007 - 2013 financial framework will not be exceeded.

The Council also confirmed its agreement on a joint declaration with the European Parliament and the Commission on the implementation of the Cohesion Policy aimed at speeding up payment.

### **European Globalisation Adjustment Fund - Spain**

The Council adopted a decision on the mobilisation of the European globalisation adjustment fund in favour of Spain, for a total amount of EUR 3.38 million ([8118/09](#)). This decision is in response to redundancies in the automotive sector in the regions Castilla y León and Aragón, arising from the relocation of production to third countries and from an increased share of imports on the Community market for motor vehicles.

**EUROPEAN ECONOMIC AREA**

**Cooperation in specific fields through Community programmes**

The Council approved two draft decisions, to be adopted by the European Economic Area (EEA) Joint Committee, with a view to extending cooperation on:

- the initiative European Year for Combating Poverty and Social Exclusion 2010 ([8016/09](#)),
- the multiannual Community programme on protecting children using the Internet and other communication technologies ([8393/09](#)).

**JUSTICE AND HOME AFFAIRS**

**Passports and travel documents - Common security data**

The Council adopted a regulation updating the standards for security features and biometrics in passports and travel documents issued by EU member states ([3606/09](#)).

The adoption of the regulation, which follows an agreement with the European Parliament at the first reading of the codecision procedure, aims to enhance security in passports and travel documents and to establish a more reliable link between the holder and the passport or travel document, thus ensuring a better protection against fraudulent use.

The new regulation will harmonise the exceptions to the general obligation to provide fingerprints for the travel documents issued by the member states, a measure that is deemed essential to maintain security standards and with a view to simplifying border controls.

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<sup>2</sup> OJ L 348, 24.12.2008, p. 118.

On a provisional basis, children under the age of 12 years will be exempt from the requirement to give fingerprints. The Commission will submit a report, no later than three years, on the reliability and technical feasibility of using the fingerprints of children under the age of 12.

The regulation also incorporates the principle of "one person-one passport" as a supplementary security measure, in particular in order to provide additional protection for children, as recommended by the International Civil Aviation Organisation.

This regulation upgrades the common security rules for EU passports and travel documents set up in 2004 under regulation 2252/2004 (*See Official Journal L 385 of 29.12.2004*).

This regulation amends regulation 2252/2004.

## **TRANSPARENCY**

### **Annual report on public access to documents**

The Council adopted its annual report on the implementation of regulation 1049/2001 regarding public access to documents in 2008 ([8503/09](#)).

The report indicates, *inter alia*, that

- More than 67 % of the Council documents produced in 2008 - i.e. 125 126 of the 185 298 new documents listed in the Council's register - were made directly accessible to the public via the register upon circulation.
- As of 31 December 2008, the Council's register referred to 1 195 509 documents (all language versions taken together), of which 883 748 (73,9 % of those registered) were public documents, i.e. either available in a downloadable format or on request.

- In 2008, 482 842 different users logged on to the Council's public document register (as against 465 612 in 2007). The total number of visits in 2008 was 895 299, while consultations (in terms of number of screens viewed) totalled 11 920 634.
- The Council received 2 238 requests for access from the public concerning a total of 10 728 documents and gave access (total and partial access taken together) to 9 146 (86,4 %) of the requested documents.

The report highlights the key developments in the seventh year of implementation of the regulation, mentioning in particular the proposal adopted by the Commission on 30 April 2008 to recast the existing Regulation on public access to European Parliament, Council and Commission documents. The report also reviews complaints submitted to the European Ombudsman as well as rulings given by the Community Courts under Regulation 1049/2001 in cases concerning access to Council documents.

In addition, the report presents the regulatory, administrative and practical adaptations made by the Council to comply with the regulation.

In conclusion, the report indicates that, as far as the Council is concerned, the aims set by the Treaties and by regulation 1049/2001 were achieved in 2008.

## **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 member:

- Mr Hermann KUHN, Mitglied der Bremischen Bürgerschaft

b) as an alternate member:

- Mr Reinhard LOSKE, Senator für Umwelt, Bau, Verkehr und Europa der Freien Hansestadt Bremen.