



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 16 March 2009 (20.03)
(OR. fr)**

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ADD 1**

**PV/CONS 11
JAI 116**

ADDENDUM¹ to DRAFT MINUTES

Subject: **2927th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Brussels on 26 and 27 February 2009**

¹ The information from the Council minutes which is given in this addendum is not confidential and may be released to the public.

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Agenda items released to the public concerning the final adoption of Council acts

"A" items (list: 6733/09 PTS A 8)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:

5. Council Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States

13017/08 COPEN 158

- + COR 1 (pl)
- + COR 2
- + COR 3 (es)
- + COR 4 (fi)
- + REV 1 (hu)
- + REV 1 COR 1 (hu)

The Council adopted the above Framework Decision. (Legal basis: Article 31 and Article 34(2)(b) of the Treaty on European Union.)

1. Council statement

"The Council recognises that Member States use different systems for identification of the person concerned and different data to search for the criminal records of a specific person, when an extract of such criminal records is required. Therefore, when exchanging the information on the basis of this Framework Decision, the Member States shall be aware of different needs of each Member State."

2. Council statement

"The Council declares that each Member State should take the necessary measures to ensure that time-limits are applied to the erasure or destruction of information on convictions transmitted in accordance with Article 4(2) and entered in its criminal records."

6. Council Framework Decision amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial

11638/08 COPEN 138

+ COR 1 (da)

+ REV 1 (lt)

The Council adopted the above Framework Decision. (Legal basis: Article 31(1)(a) and Article 34(2)(b) of the Treaty on European Union.)

3. Statement by the Italian delegation

"Italy hereby declares that it wishes to avail itself of the opportunity offered by Article 8(3) of the Framework Decision. As a consequence, the Framework Decision shall apply from 1 January 2014 at the latest to the recognition and enforcement of decisions, rendered in the absence of the person concerned at the trial, which are issued by Italian competent authorities."

15. Council Regulation on the common rules for imports (codified version)

9533/08 CODIF 85 COMER 94

+ COR 1 (lt)

+ COR 2 (fi)

+ COR 3 (et)

+ COR 4 (de)

+ COR 5 (mt)

+ COR 6 (sl)

+ COR 7 (sk)

The Council adopted the above Regulation. (Legal basis: Article 133 of the Treaty establishing the European Community.)

16. Council Regulation applying rules of competition to transport by rail, road and inland waterway (codified version)

5059/09 CODIF 3 RC 1 TRANS 4

- + COR 1 (sv)
- + COR 2
- + COR 3 (fi)
- + COR 4 (hu)
- + COR 5 (da)
- + COR 6 (pt)
- + COR 7 (et)
- + COR 8 (lt)
- + COR 9 (sl)
- + COR 10 (hu)
- + REV 1 (nl)

The Council adopted the above Regulation. (Legal basis: Article 83 of the Treaty establishing the European Community.)

17. Council Regulation on the Community trademark (codified version)

17435/08 CODIF 173 PI 96

- + COR 1 (da)
- + COR 2 (es)
- + COR 3 (el)
- + COR 4 (et)
- + COR 5 (nl)
- + COR 6 (lv)
- + COR 7
- + REV 1 (fi)
- + REV 2 (en)
- + REV 2 COR 1(en)
- + REV 3 (bg)

The Council adopted the above Regulation. (Legal basis: Article 308 of the Treaty establishing the European Community.)

18. Council Regulation on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (codified version)

17436/08 CODIF 174 RC 27

+ COR 1 (cs)

The Council adopted the above Regulation. (Legal basis: Article 83 of the Treaty establishing the European Community.)

23. Regulation of the European Parliament and of the Council on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (recast)

PE-CONS 3620/08 STATIS 41 PECHE 172 CODEC 385

+ REV 1 (da)

The Council adopted the above Regulation in accordance with the second indent of Article 251(2) of the EC Treaty. (Legal basis: Article 285(1) of the Treaty establishing the European Community.)

24. Regulation of the European Parliament and of the Council on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic (recast)

PE-CONS 3633/08 STATIS 93 PECHE 173 CODEC 529

+ REV 1 (lt)

+ REV 2 (da)

The Council adopted the above Regulation in accordance with the second indent of Article 251(2) of the EC Treaty. (Legal basis: Article 285(1) of the Treaty establishing the European Community.)

- 25. Regulation of the European Parliament and of the Council on the submission of nominal catch statistics by Member States fishing in the Northeast Atlantic (recast)**
PE-CONS 3648/08 STATIS 94 PECHE 174 CODEC 874
+ REV 1 (da)

The Council adopted the above Regulation in accordance with the second indent of Article 251(2) of the EC Treaty. (Legal basis: Article 285(1) of the Treaty establishing the European Community.)

- 26. Regulation of the European Parliament and of the Council amending Regulation (EC) No 2150/2002 on waste statistics, as regards the implementing powers conferred on the Commission**
PE-CONS 3694/08 STATIS 132 ENV 644 CODEC 1270

The Council approved the amendment set out in the European Parliament's opinion and adopted the proposed act thus amended. (Legal basis: Article 285(1) of the Treaty establishing the European Community.)

- 27. Directive of the European Parliament and of the Council amending Directive 94/19/EC on deposit guarantee schemes as regards the coverage level and the payout delay**
PE-CONS 3743/08 ECOFIN 645 EF 155 CODEC 1912
+ COR 1
+ COR 2 (lt)
+ COR 3 (pl)
+ REV 1 (cs)
+ REV 1 COR 1 (cs)
+ REV 2 (hu)
+ REV 3 (ro)

The Council approved the amendment set out in the European Parliament's opinion and adopted the proposed act thus amended. (Legal basis: Article 47(2) of the Treaty establishing the European Community.)

**4. Statement by the United Kingdom delegation
on Recital 3a of the Directive**

"The UK confirms its intention to use the flexibility in the Directive to set the coverage level equivalent in Sterling so that depositors have a clear and stable level of protection without exposure to exchange rate variations. The UK believes this is necessary to maintain consumer confidence in the Directive's provisions. The UK notes that the coverage level is subject to review by the European Commission and expects these practical consumer issues will be looked at again then."

28. Directive of the European Parliament and of the Council on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations (recast)

PE-CONS 3719/08 MAR 256 ENV 1004 CODEC 1821

+ COR 1 (da)

+ REV 1 (fi)

The Council adopted the above Directive. (Legal basis: Article 80(2) of the Treaty establishing the European Community.)

29. Regulation of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations (recast)

PE-CONS 3720/08 MAR 257 ENV 1005 CODEC 1823

+ REV 1 (fi)

+ REV 1 COR 1 (fi)

The Council adopted the above Regulation. (Legal basis: Article 80(2) of the Treaty establishing the European Community.)

30. Directive of the European Parliament and of the Council on port State control (recast)

PE-CONS 3721/08 MAR 258 ENV 1006 CODEC 1824

+ REV 1 (pt)

The Council adopted the above Directive. (Legal basis: Article 80(2) of the Treaty establishing the European Community.)

31. Directive of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system

PE-CONS 3722/08 MAR 259 ENV 1007 CODEC 1825

+ REV 1 (en, el, es, mt, sk)

+ REV 2 (pt)

The Council adopted the above Directive. (Legal basis: Article 80(2) of the Treaty establishing the European Community.)

5. Statement by the Portuguese delegation

"Portugal believes that the inclusion of Article 20d "Examination by the Commission" in the text of the Directive amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system could lead to a difficult and very worrying situation in future. To be specific, Portugal thinks that the wording of Article 20d might oblige Member States to bear, in relation to ports, any losses incurred when an uninsured ship enters a place of refuge."

32. Directive of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC

PE-CONS 3723/08 MAR 260 ENV 1008 CODEC 1826

+ REV 1 (fi)

The Council adopted the above Directive. (Legal basis: Article 80(2) of the Treaty establishing the European Community.)

33. Regulation of the European Parliament and of the Council on the liability of carriers of passengers by sea in the event of accidents

PE-CONS 3724/08 MAR 261 ENV 1009 CODEC 1827

+ COR 1 (da)

+ COR 2 (fi)

The Council adopted the above Regulation. (Legal basis: Article 80(2) of the Treaty establishing the European Community.)

6. Statement by the Portuguese delegation

"Portugal would express serious concerns about the future application to Class B vessels of the Regulation on the liability of carriers of passengers by sea and inland waterway in the event of accidents. In our opinion, the Regulation's application will have serious consequences for sea passenger transport, especially inter-island transport, and could therefore significantly reduce people's mobility. Portugal hopes that, should those consequences be confirmed, the European Commission will immediately adopt measures suspending the extension of its application."

7. Statement by the Italian delegation

"Italy commends the Commission's significant efforts of synthesis and mediation, which have enabled a compromise to be reached on the text of this Regulation.

Approval of the maritime safety package is an essential milestone in the improvement of safety at sea. For this reason Italy has modified its earlier position and endorses the approval of the Regulation on carrier liability, which now incorporates both the principle that the legislation will be adjusted before the Regulation is applied to Class B vessels and the principle that a careful impact assessment needs to be carried out to enable the possible extension of scope to crossings made with ships in Classes C and D to be precisely gauged.

With the final adoption of the text, it should also be stressed that Italy supports the principle embodied in Article 5 of this Regulation which preserves the Member States' right to continue to comply with the international rights and duties in this area to which they have earlier subscribed."
