



**COUNCIL OF
THE EUROPEAN UNION**



8775/12

PRESSE 153
PR CO 22

PRESS RELEASE

3160th Council meeting

General Affairs

Luxembourg, 24 April 2012

President

Mr Nicolai WAMMEN,
Minister for European Affairs of Denmark

P R E S S

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Main results of the Council

The Council agreed on a partial general approach, pending the European Parliament's position in first reading, on the EU's cohesion policy for 2014-2020.

The Council discussed, for the first time on the basis of the negotiating box, the following areas of the multiannual financial framework for the 2014-2020 period:

- cohesion policy*
- the "Connecting Europe" facility*
- heading 2 (sustainable growth: natural resources) and*
- the provisions relating to the five funds belonging to these policy fields.*

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- 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>).
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PARTICIPANTS

Belgium:

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Deputy Prime Minister and Minister for Foreign Affairs,
External Trade and European Affairs

Bulgaria:

Mr Ivan NAYDENOV

Deputy Minister for Foreign Affairs

Czech Republic:

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Minister for European Affairs

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State Secretary for Foreign Policy

Germany:

Mr Michael LINK

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Estonia:

Mr Jürgen LIGI

Minister for Finance

Ireland:

Ms Lucinda CREIGHTON

Minister of State for European Affairs (Departments of the
Taoiseach and Foreign Affairs)

Greece:

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Minister responsible for European Affairs

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Minister for Foreign Affairs

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Permanent Representative

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State Secretary, Ministry of Foreign Affairs

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Deputy Prime Minister and Minister for Foreign Affairs

Netherlands:

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Minister for European Affairs and International
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Austria:

Mr Wolfgang WALDNER

State Secretary, Federal Ministry of European and
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Poland:

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State Secretary, Ministry of Foreign Affairs

Portugal:

Mr Miguel MORAIS LEITÃO

State Secretary attached to the Minister for Foreign
Affairs, with responsibility for European Affairs

Romania:

Mr Leonard ORBAN

Minister for European Affairs

Slovenia:

Mr Igor SENČAR

State Secretary at the Ministry of Foreign Affairs

Slovakia:

Mr Peter JAVORCÍK

State Secretary at the Ministry of Foreign Affairs

Finland:

Mr Alexander STUBB

Minister for European Affairs and Foreign Trade

Sweden:

Mr Oscar WÅGLUND SÖDERSTRÖM

State Secretary to the Minister for EU Affairs

United Kingdom:

Mr David LIDINGTON

Minister of State for Foreign and Commonwealth Affairs

Commission:

Maroš ŠEFČOVIČ

Vice President

Mr Janusz LEWANDOWSKI

Member

Mr Johannes HAHN

Member

The Government of the Acceding State was represented as follows:**Croatia:**

Mr Vladimir DROBNJAK

Permanent Representative

ITEMS DEBATED

Multiannual financial framework

The Council discussed, in public session, for the first time on the basis of the negotiating box¹, the following areas of the multiannual financial framework (MFF) for the 2014-2020 period ([8966/12](#) + [ADD 1](#)):

- cohesion policy
- the "Connecting Europe" facility²
- heading 2 (sustainable growth: natural resources) and
- the provisions relating to the five funds belonging to these policy fields³.

During the debate, a number of delegations voiced concerns about the proposed overall level of expenditure in times of fiscal consolidation and asked for cuts to be made in all headings.

Some member states considered the proposed amount for cohesion policy as a minimum, whereas others viewed the amount proposed for the common agricultural policy as a minimum.

As regards cohesion policy, several member states expressed concerns relating either to the new category of transition regions per se or to its scope. Some of these member states supported, however, the idea of a safety net, providing for a minimum allocation level to each member state, compared to its level during the 2007-2013 period. Other member states supported the concept of transition regions but were sceptical on the safety net.

¹ The negotiating box is a paper drafted by the presidency which outlines the main elements and options for the MFF negotiations. It is updated as negotiations move forward, and forms the basis for an agreement of the European Council. Once an agreement is reached, its content feeds into the legislative work on the different acts.

² The "Connecting Europe" facility is a new instrument proposed by the Commission aimed at accelerating infrastructure development in transport, energy and information and communication technologies across the EU.

³ European Regional Development Fund (ERDF), European Social Fund (ESF), Cohesion Fund (CF), European Agricultural Fund for Rural Development (EAFRD) and European Maritime and Fisheries Fund (EMFF).

A number of delegations opposed the proposed level of capping, limiting the level of transfer to each member state to a certain percentage of its gross domestic product. Some member states objected to the so-called reversed safety net, which would limit the scope of support to a certain percentage as compared to its level during the 2007-2013 period.

Some member states argued for co-financing rates of 85% for less developed regions, whereas others pleaded for reducing the rates.

Many delegations welcomed the concept of the "Connecting Europe" facility, but some had difficulties with the proposed transfer to the facility of EUR 10 billion from the cohesion fund.

Concerning the common agricultural policy, some delegations considered the proposed convergence of direct aids per hectare in terms of scope and timeframe as insufficiently ambitious. Others, however, found it too drastic.

Delegations welcomed the objective of improving the environmental performance of the common agricultural policy but questioned the "greening" proposed by the Commission. Member states considered the use of 30% of direct payments for this as too high and asked for more flexibility.

Opinions were divided on the proposed capping of support to large farms.

Many delegations insisted on the importance of rural development and the criteria for the allocation of support to this policy area.

Concerning the rules governing the five funds under the common strategic framework, some member states stressed the importance of macro-economic conditionality. Others were sceptical about it, unless it was extended to other types of expenditure.

In the coming weeks, the presidency intends to supplement those parts of the negotiating box that have already been presented with language on own resources, the remaining element belonging to the MFF negotiating package.

The General Affairs Council of 29 May will hold a first discussion on a comprehensive version of the negotiating box covering all elements of the MFF negotiating package.

Ministers for European Affairs will continue their work on the MFF at an informal meeting in Horsens (Denmark) on 10 and 11 June.

The European Council will discuss the MFF for the first time on 28 and 29 June. The aim is to finalise the MFF negotiations by the end of this year.

Cohesion policy

The Council reached agreement on a partial general approach concerning the EU cohesion policy for the 2014-2020 period ([8207/12 REV 2](#) + [8207/12 ADD 7 REV 1](#)).

The purpose of cohesion policy is to reduce disparities between the levels of development of the EU's various regions.

The Council's partial general approach is aimed at strengthening results orientation and improving the quality of cohesion spending. It also seeks to contribute to the integration of cohesion policy in the economic governance of the EU.

Care has been taken to ensure that the partial general approach does not prejudice the outcome of negotiations on other elements of cohesion policy or on the EU's multiannual financial framework (MFF) for 2014-2020 or the financial regulation.

The partial general approach may however be subject to change as a result of these other negotiations.

The Council's compromise text covers some of the more technical features of the future cohesion policy. Work on the more political elements will continue. Some of these are dealt with in the negotiations on the MFF.

More concretely, the partial general approach includes the following elements:

- programming, as set out in [8207/12 ADD 1 REV 2](#). Common programming rules are envisaged for the five funds covered by a common strategic framework, namely the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund (CF), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF). Each programme has to specify how it contributes to the EU's 2020 strategy for jobs and growth. The question as to whether the link between the EU strategy for jobs and growth on one hand and cohesion policy on the other should be assured through country-specific recommendations or national reform programmes has been left open. The Council will come back to it in June.

- ex ante conditionality, as set out in [8207/12 ADD 2 REV 2](#). Ex ante conditionality means that certain conditions must be met before funding may start. It is aimed at improving cohesion policy performance.
- management and control, as set out in [8207/12 ADD 3 REV 2](#). The partial general approach provides for specific rules for the management and control of funds disbursed.
- monitoring and evaluation, as set out in [8207/12 ADD 4 REV 2](#). This part of the partial general approach makes sure that the implementation of the cohesion policy programmes is duly monitored and evaluated.
- eligibility, as set out in [8207/12 ADD 5 REV 2](#). The financing of already completed projects, which is possible under the current rules, would be excluded under the partial general approach.
- major projects, as set out in [8207/12 ADD 6 REV 2](#). The Council's compromise text would facilitate the deployment of "upstream" quality reviews by independent experts of major projects. This is considered to be more effective than the existing approvals "downstream" by the Commission.

Further discussions will be held at Council level in the coming months. The new cohesion policy rules are closely linked to the MFF negotiations; they are only expected to be adopted by the European Parliament and the Council once an agreement on the MFF has been reached.

ANY OTHER BUSINESS

European Council

The Council took stock of the follow-up to the European Council's meetings held on 1 and 2 March 2012.

The last meeting of the European Council focused on economic policy, international summits and foreign policy.

Informal GAC meeting

The presidency informed ministers about the informal meeting of the General Affairs Council to be held in Horsens on 10 and 11 June 2012.

OTHER ITEMS APPROVED

BUDGETS

Timetable and practical arrangements for adoption of EU budget for 2013

The Council approved the timetable for this year's budgetary procedure and modalities for the functioning of the Conciliation Committee, as agreed during a trilogue between the presidency, the European Parliament and the Commission held on 26 March ([8230/12](#)).

FOREIGN AFFAIRS

International rubber study group

The Council approved the conclusion of an amended constitution and rules of procedure of the international rubber study group.

The group, based in Singapore, is a forum of consumer and producer countries for the discussion of matters affecting the supply of and demand for natural and synthetic rubbers.

The changes to its constitution and rules of procedure have been applied since 13 September 2011.

STATISTICS

Trade and business cycle

The Council decided not to oppose the update by the Commission of regulations concerning:

- data requirements and definitions relating to statistics on the balance of payments, international trade in services and foreign direct investment, bringing them into line with international rules ([6164/12](#) and [8394/12 ADD 1](#)); and
- the removal of industrial new orders variables from short-term statistics on the business cycle ([7321/12](#)).

The updates are subject to the regulatory procedure with scrutiny. Now that the Council has given its consent the Commission may adopt them, unless the European Parliament objects.

FISHERIES

Partnership agreement with Madagascar - Renewal of protocol

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for the renewal of a protocol to the EU's fisheries partnership agreement with Madagascar.

The existing protocol with Madagascar has been applied with effect from 1 January 2007 and will expire on 31 December 2012.

The objective of the negotiations is the renewal of the existing protocol in line with the Council conclusions of 19 March 2012 on a communication from the Commission on the external dimension of the EU's Common Fisheries Policy.

EMPLOYMENT

G20 labour and employment ministers meeting

The Council endorsed guidelines on the priorities for the EU and participating member states at a G20 labour and employment ministers' meeting to be held in Guadalajara (Mexico) on 17 and 18 May.

ENERGY

Ecodesign requirements for water pumps

The Council decided not to oppose adoption by the Commission of a regulation implementing directive 2009/125/EC of the European Parliament and of the Council with regard to eco-design requirements for water pumps ([6358/12](#)).

The draft regulation is subject to the regulatory procedure with scrutiny. Now that the Council has given its consent, the Commission may adopt it, unless the Parliament objects.

Energy labelling of household tumble driers

The Council decided not to object to the entry into force of a Commission delegated regulation supplementing directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers ([7147/12](#)).

The draft regulation sets out new mandatory information requirements for placing household electric and gas tumble driers on the market and displaying labels at the point of sale to inform end-users of their energy consumption during use and in low power modes. New energy efficiency classes A+, A++ and A+++ are introduced on the label above class A together with requirements concerning the advertising of such appliances.

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the act can enter into force, unless the European Parliament objects to it.

INTERNAL MARKET

State aid control by the Commission - *Council conclusions*

The Council adopted conclusions on special report no. 15/2011 of the European Court of Auditors on the management of state aid control ([8217/12](#)).

The Court's audit contains assessments and recommendations to the Commission for the effective management of state aid control ([18936/11](#)). It examines in particular whether the system of notifications, complaints and *ex-officio* enquiries ensures that the Commission can handle all relevant state aid cases; whether the Commission has adequate structures and procedures in place for the effective handling of cases within the deadlines set, and can improve the monitoring of the impact of the state aid control.

Protection of animals for scientific purposes

The Council decided not to oppose the adoption by the Commission of a regulation amending regulation 440/2008 on test methods pursuant to regulation 1907/2006 on the registration, evaluation, authorisation and restriction of chemicals ("REACH" regulation) ([5596/12](#) and [ADD 1](#)).

The draft regulation introduces new OECD-approved test methods aimed at reducing the numbers of animals used for experimental purposes.

The draft is subject to the regulatory procedure with scrutiny. Now that the Council has given its consent the Commission may adopt it, unless the European Parliament objects.

Switzerland - Euratom programme

The Council authorised the Commission to open negotiations on an agreement on scientific and technological cooperation with Switzerland, with a view to associating it with the European Atomic Energy Community (Euratom) framework programme for nuclear research and training activities (2012-2013).

EUROPEAN ECONOMIC AREA

Iceland : trade in agricultural products

The Council adopted a decision authorising the Commission to start negotiations with Iceland with a view to achieving greater liberalisation of bilateral trade in agricultural products within the framework of the European Economic Area.

Spirits

The Council approved the position to be taken by the EU within the European Economic Area (EEA) joint committee concerning an amendment to annex II (technical regulations, standards, testing and certification) to the EEA agreement.

The amendment is aimed at incorporating new EU *acquis* regarding spirit drinks into the EEA agreement ([7354/12](#)).

Cooperation on civil protection - Identification of critical infrastructure

The Council approved the position to be taken by the EU within the European Economic Area (EEA) joint committee concerning an amendment to protocol 31 to the EEA agreement, on cooperation in specific fields outside the four freedoms.

The decision is aimed at strengthening cooperation amongst EEA members in the area of civil protection by including directive 2008/114/EC on the identification and designation of critical energy and transport infrastructures into Protocol 31.

Residue limits of pharmacologically active substances

The Council approved the position to be taken by the EU within the European Economic Area (EEA) joint committee concerning an amendment to annex II (technical regulations, standards, testing and certification) to the EEA agreement.

By this amendment, EU acquis on the establishment of residue limits of pharmacologically active substances will be incorporated into the EEA agreement ([7556/12](#)).

Classification, labelling and packaging of certain substances

The Council approved the position to be taken by the EU within the European Economic Area (EEA) joint committee concerning an amendment to annex II (technical regulations, standards, testing and certification) and annex XX (environment) to the EEA agreement, in order to incorporate into the agreement EU legal acts related to the classification, labelling and packaging of certain substances and mixtures ([7734/12](#)).

Environmental economic accounts

The Council approved the position to be taken by the EU within the European Economic Area (EEA) joint committee concerning an amendment to annex XXI (statistics) to the EEA agreement.

By this amendment, EU regulation 691/2011 on environmental economic accounts will be incorporated into the EEA agreement ([7359/12](#)).

TRANSPARENCY

Annual report on public access to documents

The Council approved its annual report on implementation of regulation 1049/2001 on public access to documents, relating to the year 2011 ([8260/12](#)).

The report indicates, *inter alia*, that

- Almost 75 % of Council documents produced in 2011 – i.e. 137 141 of the 184 634 new documents listed in the Council's register – were made directly accessible to the public via the register upon circulation.
- As of 31 December 2011, the Council's register listed 1 729 944 documents (all languages), of which 77,3 % were public documents, i.e. either available in a downloadable format or on request.
- In 2011, 557 391 unique visitors logged on to the Council's public document register. The total number of visits in 2011 was 1 371 324, while consultations (in terms of number of screens viewed) totalled 23 274 962.
- The Council received 2 166 initial requests for access from the public concerning a total of 9 641 individual documents (up by 6 % compared to 2010) and gave access (total and partial access taken together) to 88,6 % of the requested documents.

The report provides information on the Council's public register of documents and contains statistics on public access to documents. In addition, it highlights key developments in the tenth year of implementation of the regulation and reviews complaints submitted to the European Ombudsman, as well as rulings given by the EU courts in 2011 in the field of regulation 1049/2001.

Transparency - public access to documents

The Council approved the reply to confirmatory application No 07/c/01/12.

APPOINTMENTS

Committee of the Regions

The Council appointed:

- Ms Gun-Mari LINDHOLM (Finland) ([8664/12](#));
- Mr François DECOSTER, Mr Jean-Paul DENANOT, Mr Claude GEWERC, Ms Annabelle JAEGER, Mr Pascal MANGIN, Mr Didier ROBERT and Mr Stéphan ROSSIGNOL (France) ([8720/12](#)), and
- Mr Ali KAES (Luxembourg) ([8345/12](#)),

as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015.
