



**COUNCIL OF  
THE EUROPEAN UNION**

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**DRAFT MINUTES**

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Subject: **3292nd** meeting of the Council of the European Union (**GENERAL AFFAIRS**) held in Brussels on 10 February 2014

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## PUBLIC DELIBERATION ITEMS<sup>1</sup>

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<sup>1</sup> Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

## **LEGISLATIVE DELIBERATIONS**

*(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)*

- 1. Regulation of the European Parliament and of the Council establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC [First reading] (LA + S)**

PE-CONS 39/13 GAF 27 FIN 324 CADREFIN 133 CODEC 1351

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the Swedish delegation abstaining and the United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 325 of the TFEU).

### **Statement by the Commission on Article 13**

"Without prejudice to the annual budgetary procedure, it is the Commission's intention to present in the context of a structured dialogue with the European Parliament an annual report on the implementation of the Regulation, including the budget breakdown set out in the Annex, starting from January 2015 and the work programme to the responsible Committee in the European Parliament in the context of the PIF report."

- 2. Regulation of the European Parliament and of the Council on a multiannual consumer programme for the years 2014-2020 and repealing decision No 1926/2006/EC [First reading] (LA)**

PE-CONS 107/13 CONSOM 178 MI 914 CADREFIN 268 CODEC 2373

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 169 of the TFEU).

**3. Regulation of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new light commercial vehicles [First reading] (LA+S)**

PE-CONS 106/13 ENV 965 ENT 290 CODEC 2362

+ COR 1

+ COR 2 (de)

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 192(1) of the TFEU).

**Statements by the Commission:**

**1. 2025 target**

"In carrying out its impact assessment of a 2025 target the Commission will consider the appropriateness of a range of ambition levels/rates of reduction, coherent with the long term climate goals of the EU and the necessary emission reduction trajectory. This assessment will cover the range of ambition sought by the European Parliament for a 2025 target in the range of 105 g to 120 g CO<sub>2</sub>/km, equivalent to 3-4 % reduction per year in relation to the average 2012 emissions from new light commercial vehicles.

The impact assessment will also need to consider a wide range of issues among which will be long term climate policy goals, cost-effectiveness, competitiveness, technology availability, social equity, neutrality with respect to competition. Any conclusion reached in the impact assessment on the appropriate level of ambition for a 2025 target would need to balance effects in the range of different areas assessed."

**2. WLTP**

"The Commission strongly supports the ongoing work in the framework of the UNECE, with the aim of a target date for the WLTP to be operational for new vehicle types by 1 January 2017. The work at UNECE is well underway and subsequently the Commission would aim to implement the new test cycle and test procedures into EU law in 2014."

**3. On the procedure of adoption of implementing acts**

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 § 4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

4. **Directive of the European Parliament and of the Council on the award of concession contracts [First reading] (LA+S)**

PE-CONS 73/13 MAP 69 MI 677 CODEC 1828

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 53(1), 62 and 114 of the TFEU).

**Statement by the Commission**

**on Article 18(2) of the Directive on public procurement, on Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and on Article 30(3) of the Directive on the award of concession contracts**

"Article 18(2) of the Directive on public procurement, Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and Article 30(3) of the Directive on the award of concession contracts are enshrined in the existing applicable Union legislation. They have to be applied in compliance with Union law and in the light of its basic principles, notably, the principles of equal treatment and non-discrimination of economic operators, including economic operators from other Member States.

The Commission will closely monitor the application of these provisions by Member States and contracting authorities/entities."

**Statement by the Commission**

**on Article 18 of the Concessions Directive**

1. Pursuant to Article 18 and recital 52 of this Directive, for concessions lasting more than 5 years, the maximum duration of the concession shall not exceed the time that a concessionaire could reasonably be expected to take to recoup the investments made for operating the works or services together with a return on invested capital taking into account the investments required to achieve the specific contractual objectives.
2. To ensure the uniform enforcement of this Directive, the Commission considers that national execution measures of Article 18, as interpreted by Recital 52, shall provide that the duration of the concession shall be estimated including initial and further investments deemed necessary for the operating of the concession, in particular expenditure on infrastructure, copyrights, patents, equipment, logistics, hiring, training of personnel and initial expenses."

### **Statement by Austria**

"This package of directives revises and updates the entire legal framework in respect of public procurement. Given the central role played by public procurement in the European Union's overall economic performance, the legal and linguistic quality and comprehensibility of the new legal framework is of great importance.

However, Austria would point out that the deadlines for producing the different language versions of the three procurement directives were so tight that it was impossible to ensure a thoroughly accurate and high-quality translation, at least where the German-language version was concerned. Austria regrets the fact that there was such unreasonable time pressure, particularly since no compelling reasons for such great urgency were apparent, and since the ambiguities which thus arose when producing the different language versions could jeopardise the objective of simplifying the legal framework for contractors and economic operators."

### **5. Directive of the European Parliament and of the Council on Public Procurement and repealing Directive 2004/18/EC [First reading] (LA+S) PE-CONS 74/13 MAP 70 MI 680 CODEC 1830**

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 53(1), 62 and 114 of the TFEU).

### **Statement by the Commission**

**on Article 18(2) of the Directive on public procurement, on Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and on Article 30(3) of the Directive on the award of concession contracts**

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#### **6. Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal sectors and repealing Directive 2004/17/EC [First reading] (LA+S)**

PE-CONS 75/13 MAP 71 MI 681 CODEC 1831

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 53(1), 62 and 114 of the TFEU).

The Commission and Austria made the statements as on item 5.

#### **7. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 428/2009 setting up a Community Regime for the control of exports, transfer, brokering and transit of dual use items [First reading] (LA)**

– Political agreement

5480/14 COMER 16 PESC 60 CONOP 9 ECO 8 UD 17

ATO 7 CODEC 130

+ COR 1

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approved by Coreper, Part 2, on 29.01.2014

The Council confirmed political agreement on the above Regulation proposal.