



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 27 May 2014
(OR. en)**

**8945/14
ADD 1**

**PV/CONS 20
AGRI 317
PECHE 200**

DRAFT MINUTES

Subject: **3308th** meeting of the Council of the European Union (**AGRICULTURE
AND FISHERIES**) held in Luxembourg on 14 April 2014

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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 adjusting with effect from 1 July 2011 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto [First reading] (LA)**
PE-CONS 56/14 STAT 7 FIN 171 CODEC 631

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom delegation voting against and the Austrian delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 12 of the Protocol on the privileges and immunities of the European Union).

- 2. Regulation of the European Parliament and of the Council adjusting with effect from 1 July 2012 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto [First reading] (LA+S)**
PE-CONS 57/14 STAT 8 FIN 172 CODEC 632

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Danish, Greek, Cyprus, Hungarian, Netherlands, Austrian, and the United Kingdom delegations voting against and the Slovenian delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 12 of the Protocol on the privileges and immunities of the European Union).

Statement by the Commission

"Having regard to the figure for the annual adjustment for 2012 and taking into account the concerns as to budget neutrality, the Commission commits to:

- covering all additional expenditure corresponding to the adjustment of remuneration and pension of 0,8% for 2012 (EUR 116 million) through redeployment of appropriations available to EU Institutions in the 2014 budget without any additional contribution from Member States; any related amendment to the 2014 budget shall not increase administrative expenditure under Heading 5 of the multiannual financial framework;

- taking into account the 2012 adjustment for the years 2015-2020, for which the estimate of net additional expenditure amounts to EUR 31 million per year. The Commission has taken note of the conclusions of the Council on budget guidelines of 18 February 2014 and commits to presenting budgets for administrative expenditure (Heading 5) between 2015 and 2020 that will remain well below the ceilings of the 2014-2020 multiannual financial framework (MFF);
- desisting from cases C-86/13 and C-248/13 before the Court of Justice regarding the adjustment of remuneration and pension in 2012.

It is recalled that the redeployment of appropriations within the approved 2014 budget is made possible following the transfer of appropriations originally available in the 2012 budget for remuneration and pension that were used instead to frontload other administrative expenditure. It is thus estimated that in total an amount of EUR 115 million for all Institutions is available for redeployment under heading 5 and could be used to pay additional expenditure for salaries and pensions in 2014. In addition, it cannot be excluded at this stage that the Institutions will be able to identify further possibilities for redeployment, thus further reducing the need for re-deployment of appropriations in 2014.

The ceilings of Heading 5 of the 2014-2020 MFF adopted in 2013 took into account statistical adjustments of 1.7% in 2011 and 1.7% in 2012. The revised adjustment of remuneration and pension by 0% for 2011 and 0.8% for 2012 would lead to savings over the 2014-2020 period of around EUR 1.5 billion in terms of expenditure for remuneration and pension larger than anticipated, thus leaving significant unallocated margins under the expenditure ceilings. The additional savings will come on top of the savings of around EUR 2.8 billion already factored in the 2014-2020 MFF."

Statement by the Netherlands

"Taking into account the serious and sudden deterioration in the economic and social situation within the European Union during 2012, and referring to the "exception clause" of Article 10 of Annex XI to the Staff Regulations, the Netherlands deems a correction coefficient of 0.8% for the year 2012 to be inappropriate. The Netherlands maintains the position that a zero percent increase in the salaries of European officials for the year 2012 would have been the only appropriate application of the exception clause. Furthermore, the Netherlands regrets the suspension of the proceedings before the European Court of Justice as regards the adjustment of salaries in 2012 (Case C-86/13 and Case C-248/13).

Taking the foregoing into account, the Netherlands cannot support the proposal and votes against its adoption."

3. Regulation of the European Parliament and of the Council on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union [First reading] (LA)

PE-CONS 131/13 ENV 1204 AGRI 851 WTO 345 PI 184 DEVGGEN 342
MI 1162 SAN 523 CODEC 2967
+ REV 1 (hr, it, lt)

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

4. Regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency [First reading] (LA)

PE-CONS 133/13 TRANS 679 MAR 205 AVIATION 256 CAB 55 ESPACE 111
FIN 959 CSC 191 CODEC 2990

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 172 of the TFEU).

5. Directive of the European Parliament and of the Council amending Directive 2011/92/EU of the assessment of the effects of certain public and private projects on the environment [First reading] (LA+S)

PE-CONS 15/14 ENV 43 CODEC 121
+ REV 1 (de, lt, ro)
+ REV 2 (sk)
+ COR 1 (it)

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

Statement by Austria

"Transboundary environmental impact assessments pursuant to the Espoo Convention for nuclear installations are of utmost importance for Austria.

Annex IV point 8 and recitals 15 and 32 of the revised EIA Directive make reference to an assessment according to Directive 2009/71/Euratom. While the Euratom Directive requires in general the establishment of national framework conditions it does not provide for a description and assessment of accidents or disaster risks equivalent to the EIA Directive. Austria therefore reiterates its understanding that risk assessments according to Directive 2009/71/EURATOM will most likely not meet the requirements of the EIA Directive and cannot be used to demonstrate fulfilment of the requirements of Annex IV point 8."

Statement by the United Kingdom

"In the spirit of compromise, the United Kingdom can accept the agreement reached on the EIA Directive. The text, while not perfect, is a significant improvement on the European Commission's original proposal which would have added significant costs and delays to the delivery of vital infrastructure.

The United Kingdom would have wished to see, from the outset, a greater awareness of the possible impact on business and growth, and particularly on small and medium sized enterprises, and considers that there should have been a better balance between protecting the environment and supporting growth.

The Commission's proposal was disproportionate to any perceived shortcomings in the existing Directive. Their proposals for mandatory scoping, risk assessment, a one-stop-shop and the accreditation of experts, for example, would all have added significant costs to both developers and competent authorities. The idea of rigid timeframes for every stage of the assessment procedure took no account of the different characteristics and complexity of projects. They would have been too long for some projects and too short for others. These are all matters that need to be applied flexibly and should be left to Member States. The proposal for delegated acts which would have enabled the Commission to amend without further negotiation three key annexes was completely unjustified and unanimously rejected in Council.

While the United Kingdom would have liked to have seen all timeframes and requirements for risk assessment deleted from the text, the negotiations have resulted in important improvements to the Directive. The United Kingdom is grateful to the Irish and the Lithuanian Presidencies for the hard work they put into developing a text which successfully addressed the main shortcoming of the proposal. Retaining flexibility, providing clarity and reducing bureaucracy will provide more certainty and reduce costs while continuing to protect the environment."

6. Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC [First reading] (LA+S)

PE-CONS 17/14 MI 57 ECO 9 ENT 15 IND 20 TELECOM 15 CODEC 141

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Bulgarian and the United Kingdom delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

Statement by the Commission

"Having weighed the public interest in the swift adoption of the present directive against the institutional concerns raised by the compromise text the co-legislators are about to agree, the Commission has decided not to stand in the way of a final agreement. In this regard and recognising the exceptional circumstances, the Commission has in particular taken into account the direct benefits for the citizen resulting from the measure, and the need to ensure adoption before the end of the current parliamentary term.

However, the Commission regrets the adoption of article [44 paragraph 2c and the corresponding recital 58 (d)] concerning the Committee which have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act should alter or specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committees exercise their role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committees.

With regard to the recital 58(e) and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will proceed in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of comitology committees are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.

The Commission underlines that its acceptance of the compromise in the present case is without prejudice to its position on other files."

Statement by the United Kingdom

"The UK is unable to support the final agreed text on the Radio Equipment Directive. The text contains the possibility to require, through a Delegated Act, registration of product types where there is a low level of compliance. The UK believes that, if used, this would place a significant administrative burden on manufacturers, many of whom are already likely to be in conformity, and that non-compliance should instead be dealt with through increased market surveillance. Whilst there is much in the text that we fully support, on this basis the UK has taken the decision to abstain."

7. Regulation of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 [First reading] (LA+S)

PE-CONS 1/14 ENV 7 ENT 4 MI 9 CODEC 23

+ COR 1

+ REV 1 (sk)

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

Statement by the Commission on Article 24(2)

"The Commission, taking note of the "no opinion" clause in Article 24(2), recalls that the recourse to Article 5(4) of Regulation (EU) No 182/2011 (OJ L 55, 28.2.2011, p. 13), subparagraph 2, point b) 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, it cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified in a recital."

8. Directive of the European Parliament and of the Council amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) [First reading] (LA)

PE-CONS 7/14 EF 5 ECOFIN 19 SURE 1 CODEC 43

+ COR 1 (fr)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 50, 53, 62 and 114 of the TFEU).

9. Regulation of the European Parliament and of the Council laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 [First reading] (LA+S)

PE-CONS 124/13 AGRI 822 AGRIORG 174 CODEC 2859

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) of the TFEU).

Statement by the Commission on delegated acts

"In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts."

10. Directive of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers [First reading] (LA)

PE-CONS 4/14 SOC 11 MI 14 EDUC 10 ECOFIN 15 JEUN 5 JAI 8
ETS 1 CODEC 34

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 46 of the TFEU).

11. Directive of the European Parliament and of the Council on electronic invoicing in public procurement [First reading] (LA+S)

PE-CONS 21/14 MAP 13 COMPET 58 MI 90 EF 30 ECOFIN 81 TELECOM 26
CODEC 228

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the German delegation voting against and the Bulgarian delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

Joint statement by the Council and the Commission
on Article 1: excluded contracts

"The Council and the Commission express their shared opinion that this Directive, pursuant to Article 1 therein, does not apply to electronic invoices issued as a result of the performance of contracts which are excluded under Articles 12 and 13 of directive 2009/81 or to which neither of Directive 2014/24/EU, Directive 2014/25/EU, Directive 2014/23/EU or Directive 2009/81/EC apply pursuant to the relevant provisions of Articles 10 (h), 15,16 and 17 of Directive 2014/24/EU ("classical" procurement Directive), Articles 24 to 27 of Directive 2014/25/EU ("utilities" Directive), and Articles 10 (5) to 10 (7), 21 and 23 of Directive 2014/23/EU ("concessions" Directive) as applicable."

12. Regulation of the European Parliament and of the Council on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC [First reading] (LA+S)

PE-CONS 5/14 DRS 2 CODEC 36

+ COR 1 (pl)

+ REV 1 (hr)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Czech and Hungarian delegations voting against and the Spanish, Luxembourg and Austrian delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

Statement by Latvia

"Latvia supports adoption of the draft Regulation of the European Parliament and of the Council on specific requirements regarding statutory audit of public-interest entities in general. Latvia fully shares the aim of the proposed Regulation to clarify the role of the public interest entities' auditors and introduce more stringent rules for the audit sector aimed in particular at strengthening the independence of auditors as well as greater diversity into the current highly-concentrated audit market. However, Latvia maintains its concerns that the proposed measure, namely cap on 70 % fees from non-audit services is likely to negatively impact the access of smaller public interest entities to non-audit services and could cause additional administrative and financial burdens. It is usually smaller listed companies which use their auditors for a greater proportion particularly of compliance related services both because they lack that expertise in house and the cost effectiveness and efficiency of a single supplier is proportionately greater."

Statement by Portugal

"Portugal considers that the adoption of this legislative package constitutes progress on financial market reform and stresses the independence of auditors, factors with the potential to rebuild trust in and on the markets. Because of this and in a spirit of compromise, Portugal supports the final outcome of these negotiations.

However, as regards the supervision of the audit authorities, throughout the negotiations Portugal has expressed its preference for conferring audit competence on the ESMA, which would take on the roles previously fulfilled by the European Group of Auditors' Oversight Bodies (EAOB), as in the European Commission's original proposal."

13. Directive of the European Parliament and of the Council amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts [First reading] (LA)

PE-CONS 6/14 DRS 3 CODEC 39
+ REV 1 (hr)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Czech and Hungarian delegations voting against and the Spanish and Austrian delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 50 of the TFEU).

14. Regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC [First reading] (LA+S)

PE-CONS 2/14 PHARM 5 SAN 9 MI 11 COMPET 12 CODEC 25

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 114 and 168(4)(c) of the TFEU).

Statement by the Commission 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."

15. Decision of the European Parliament and the Council establishing a Framework for Space Surveillance and Tracking Support Programme [First reading] (LA)

PE-CONS 31/14 ESPACE 21 COMPET 83 IND 50 RECH 56 TRANS 48
CSC 23 CIVCOM 33 CODEC 340

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 189(2) of the TFEU).

16. Regulation of the European Parliament and of the Council amending Regulation (EU) No 691/2011 on European environmental economic accounts [First reading] (LA+S)

PE-CONS 37/14 ENV 135 STATIS 19 ECO 21 FIN 115 CODEC 399
+ REV 1 (de, el, lt)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 338(1) of the TFEU).

Statement by the Commission

"The Commission considers that the "indicative compendium" referred to in the new paragraph 5 of Article 3, to be adopted by way of implementing acts, will produce binding effects upon Member States for their reporting of data in accordance with Annex V."

17. Regulation of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions [First reading] (LA)

PE-CONS 18/14 ENV 71 AVIATION 19 MI 76 IND 32 ENER 35 CODEC 193
+ COR 1 (ro)

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

18. Regulation of the European Parliament and of the Council on imports of rice originating in Bangladesh and repealing Council Regulation (EEC) No 3491/90 [First reading] (LA+S)

PE-CONS 40/14 AGRI 114 AGRIORG 25 WTO 68 CODEC 437

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU).

Statement by the Commission on delegated acts

"In the context of Regulation (EU) No .../2014 of the European Parliament and of the Council of ... on imports of rice originating in Bangladesh and repealing Council Regulation (EEC) No 3491/90, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts."

NON-LEGISLATIVE ACTIVITIES - PUBLIC ADOPTIONS

39. Council Regulation establishing for the period 2014-2020 the programme "Europe for Citizens"

12557/13 CULT 90 FREMP 108 JAI 643 EDUC 303 SOC 606 CADREFIN 198

- + COR 1
- + COR 4
- + REV 1 (lt)
- + REV 1 COR 1 (lt)
- + REV 2 (de)
- + REV 2 COR 1 (de)

The Council adopted the above Regulation. (Legal basis: Article 352 of the Treaty on the Functioning of the European Union).