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held in Brussels on 8 May 2014

PUBLIC DELIBERATION ITEMS¹

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LEGISLATIVE DELIBERATIONS

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9.	Regulation of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC transport [First reading] (LA+S).....	10
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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 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization [First reading] (LA+S)
PE-CONS 27/14 ANTIDUMPING 8 COMER 28 WTO 39 CODEC 287**

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

"The Commission welcomes the adoption of the Regulation of the European Parliament and of the Council concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94.

Under the Regulation, the Commission is empowered to adopt implementing acts in certain specific situations, on the basis of objective criteria and subject to the control of the Member States. In exercising that empowerment, the Commission intends to act in accordance with this Declaration.

When preparing draft implementing acts, the Commission will undertake extensive consultations with a view to ensuring that all relevant interests are duly taken into account. Through those consultations, the Commission expects to receive input from private stakeholders affected by third country measures or by possible commercial policy measures to be adopted by the Union. Similarly, the Commission expects to receive input from public authorities that may be involved in the implementation of possible commercial policy measures to be adopted by the Union. In the case of measures in the field of public procurement, in particular input from Member States' public authorities will be duly taken into account in the preparation of draft implementing acts.

The Commission recognizes the importance of Member States receiving timely information when it is considering the adoption of implementing acts under this Regulation so as to enable them to contribute to fully informed decisions and will act to achieve this objective.

The Commission confirms that it will promptly transmit to the Parliament and to the Council draft implementing acts that it submits to the committee of Member States. Similarly, it will promptly transmit to the Parliament and the Council final draft implementing acts following the delivery of opinions in the committee.

The Commission will keep the Parliament and the Council regularly informed of international developments that may lead to situations requiring the adoption of measures under the Regulation. This will be done through the responsible committees in Council and in Parliament.

The Commission welcomes the Parliament's intention to promote a structured dialogue on dispute settlement and enforcement issues and will fully engage in dedicated sessions with the responsible Parliamentary committee to exchange views on trade disputes and enforcement actions, including with regard to impacts on Union industries.

Finally, the Commission confirms that it attaches great importance to ensuring that the Regulation is an effective and efficient tool for the enforcement of the Union's rights under international trade agreements, including in the field of trade in services. Therefore, the Commission will, in accordance with the provisions of the Regulation, review the scope of Article 5 with a view to covering additional commercial policy measures concerning trade in services as soon as the conditions for ensuring the workability and effectiveness of such measures are present."

Statement by Austria, Belgium, the Czech Republic, Germany, Finland, Luxembourg, Malta, the Netherlands, Spain, Sweden and the UK

on the possible inclusion of services counter-measures within the scope of the Enforcement Regulation

"Austria, Belgium, the Czech Republic, Germany, Finland, Luxembourg, Malta, the Netherlands, Spain, Sweden and the UK have accepted the provision in Article 10 of the Enforcement Regulation for an early and specific review of the case for the inclusion of "additional commercial policy measures suspending concessions or other obligations in the field of trade in services".

This acceptance does not, however, represent agreement that the ultimate intention should be the inclusion of such measures within the scope of the Regulation.

Any review must be objective in its evaluation considering without any predetermined outcome the arguments for and against inclusion of additional commercial policy measures in the field of trade in services. This must include, inter alia, the practical difficulties inherent in taking services counter-measures."

2. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2173/2005 as regards the delegated and implementing powers to be conferred on the Commission [First reading] (LA+S)

PE-CONS 39/14 AGRI 104 ENV 142 FORETS 22 DEVGEN 28 RELEX 123
JUR 89 UD 46 WTO 64 PROBA 11 CODEC 426

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 (2) of the TFEU).

Statement by the Commission
Preparation of delegated acts

"In the context of this Regulation, the Commission recalls the commitment it has made 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."

3. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean [First reading] (LA+S)

PE-CONS 61/14 PECHE 114 CODEC 665

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 (2) of the TFEU).

Statement by the Commission

"The Commission expresses concern that the choice made by the co-legislators to transpose specific and technically detailed control measures adopted by the ICCAT Commission in 2013 and likely to be soon amended again via co-decision may hinder the timely transposition in EU law of measures taken by ICCAT in the future to revise or update control measures of this Organisation.

The Commission therefore declares that it considers this Regulation to be without prejudice to any future position of the institution as regards the possible recourse to Articles 290 and 291 TFEU for the transposition of Regional Fisheries Management Organisation measures.

In accordance with its rights of initiative under the Treaty, the Commission therefore reserves the right to propose amendments to the Regulation in order to empower the Commission to adopt measures by delegated or implementing acts where the circumstances so require."

4. Regulation of the European Parliament and of the Council on fees payable to the European Medicines Agency for the conduct of pharmacovigilance activities in respect of medicinal products for human use (Text with EEA relevance) [First reading] (LA+S)
PE-CONS 44/14 PHARM 17 SAN 82 MI 187 COMPET 126 CODEC 486

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 European Commission

"In the light of the decision of the Council to significantly decrease the fee income of the European Medicines Agency (EMA) from the fee for pharmacovigilance referrals referred to in Article 6 of the legal proposal on "Fees payable to the European Medicines Agency (EMA) for the conduct of pharmacovigilance activities in respect of medicinal products for human use" (COM(2013) 472 final of 26.6.2013), the EMA will not be able to cover its estimated costs foreseen in the financial statement that accompanied the legal proposal. Therefore, the Commission, in cooperation with the EMA, will re-examine the activities performed and services provided by the EMA in this context, including payments to the delegates of the relevant committees, in order to achieve the necessary cost savings and cater for this estimated lack of revenue.

The Commission notes that the above mentioned Council position is without prejudice to the future review of the EMA fees."

Statement by Germany, Croatia and Denmark

"Germany, Croatia and Denmark expressly welcome the announcement of the European Commission to carry out a review of all fees payable to the European Medicines Agency (EMA) as soon as the Regulation on pharmacovigilance fees is adopted. In the context of this review, Germany, Croatia and Denmark would welcome a task review and an expense evaluation of the EMA in order to achieve the highest possible efficiency of the activities of the EMA."

5. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community [First reading] (LA)
PE-CONS 63/14 STATIS 39 SOC 185 ECOFIN 237 CODEC 711
+ REV 1 (el)

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).

6. Directive of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast) [First reading] (LA)

PE-CONS 55/14 CULT 30 MI 228 ENFOPOL 61 ENFOCUSTOM 32
UD 66 CODEC 630

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 114 and 168(4)(c) of the TFEU).

7. Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks [First reading] (LA+S)

PE-CONS 48/14 TELECOM 66 COMPET 144 CODEC 596

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: Articles 114 of the TFEU).

Statement by Latvia

"Latvia supports initiatives under the flagship initiative "Digital agenda for Europe" to reap the benefits of a competitive digital single market. Latvia shares the aim of the proposed Directive to facilitate deployment of a high-speed infrastructure which is necessary to create a single digital market and therefore supports the compromise achieved on the draft Directive. However, Latvia would like to emphasise that Member States should be given appropriate timeframe for implementation of the requirements of the Directive, considering that establishing dispute settlement mechanism will be a complex process and will require significant financial resources."

8. Decision of the European Parliament and of the Council on enhanced co-operation between Public Employment Services (PES) [First reading] (LA+S)

PE-CONS 32/14 SOC 100 MI 138 CODEC 353

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 149 of the TFEU).

Statement by the Council

"The Council of the European Union:

1. WELCOMES the agreement reached by the co-legislators on the Commission's proposal for a Decision on enhanced cooperation between PES as an additional tool that can positively contribute to the wider ongoing efforts to make existing structures more effective in tackling unemployment;
2. RECALLS that Article 149 TFEU provides that the European Parliament and the Council may adopt incentive measures designed to encourage cooperation between Member States;
3. CONSIDERS that this legal basis does not allow for the draft Decision to impose an obligation of cooperation in the field of employment on the Member States;
4. RECOGNISES that the real added value of the Network resides in the participation of all Member States, thus enabling the development and implementation of benchmarking systems and mutual learning activities with a view to developing an appropriate benchlearning process.

The Member States of the European Union, in the light of the above, and in order to allow for the Network to function effectively and to provide real added value, hereby declare that they have all agreed to participate in the Network on a voluntary basis and that they will accordingly notify their participation to the Secretariat of the Network as set out in recital."

Statement by the Commission

"The Commission

1. Welcomes the agreement reached by the co-legislators on enhanced cooperation between Public Employment Services as a powerful mechanism for strengthening cooperation between Member State's employment services with a view to increasing the quality of services, the capacity and the efficiency in implementing employment policies;
2. Considers that in accordance with Article 145 TFEU this enhanced cooperation between PES is an integral part of the coordinated strategy for employment;
3. Considers that Article 149 TFEU provides the legal basis for the full participation of all the Member States in the network."

9. **Regulation of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC [First reading] (LA+S)**
PE-CONS 24/14 AGRI 56 AGRIFIN 7 VETER 7 AGRILEG 20 ANIMAUX 6
SAN 55 DENLEG 23 PHYTOSAN 9 SEMENCES 5 CODEC 272

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 43(2) and 168(4)(b) of the TFEU).

Statement by the Commission
on the procedures for the approval of veterinary and phytosanitary programmes

"In order to better inform the Member States, the Commission will arrange an annual meeting of the Standing Committee on Plants, Animals, Food and Feed which shall focus on the outcome of the evaluation procedure of programmes. That meeting will take place no later than 30 November of the year preceding the implementation of the programmes.

In connection with that meeting, the Commission will present the list of the programmes technically approved and proposed for co-financing. Both financial and technical details will be discussed with the national delegations, and their comments will be considered.

In addition, before taking its final decision thereon, the Commission will, during a meeting of the Standing Committee on Plants, Animals, Food and Feed in January, communicate to the Member States the final list of programmes selected for co-financing and the final amount allocated to each programme.

Preparatory work for the design of the work programme for the implementation of the measures referred to in Articles 9, 19 and 25 will be carried out with experts of Member States in early February of each year in order to give Member States the relevant information to establish the eradication and surveillance programmes."

Statement by the Commission
on the access to the reserve for crises in the agricultural sector

"Major veterinary crises may have a significant budgetary impact which may not be accommodated within the expenditure ceiling of Heading 3. The Commission regrets the decision of the legislative authority to remove any explicit reference to the possible use of the reserve for crises in the agricultural sector. In case of a large veterinary crisis, the Commission reserves its right to take all appropriate measures necessary to cope with this crisis in accordance with all relevant legislations, including in the field of the Common Agricultural Policy."

- 10. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport [First reading] (LA)**
PE-CONS 67/14 TRANS 134 MAR 47 CODEC 737

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 91(1) of the TFEU).

- 11. Directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey [First reading] (LA+S)**
PE-CONS 65/14 DENLEG 63 AGRI 190 SAN 126 ENV 251 CODEC 735

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Luxemburg and Hungarian delegations voting against and the Czech and French delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 43(2) of the TFEU).

Statement by France

"The French authorities regret that the discussions have not enabled a satisfactory compromise to be found. As it stands, the Directive does not provide for consumers to be adequately informed and poses technical implementation problems which cast doubt over the effectiveness of its application."

Statement by Hungary

"Hungary underlines that the amendment to Council Directive 2001/110/EC relating to honey does not sufficiently ensure the adequate labelling and necessary information to consumers on the presence of genetically modified pollen in honey. This amendment also fails to protect the interests of EU apiculturists producing in an environment free from genetically modified plants.

The maximum pollen content will by definition always be lower than the 0.9 % threshold set by Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed. The exemption from the labelling requirements of Regulation (EC) No 1829/2003 relating to the presence of genetically modified pollen in honey only applies where its presence is adventitious or technically unavoidable, as is reflected in recital 5 of the current proposal. However, Hungary is of the view that in practice the right of information and freedom of choice for consumers will not be expressly ensured, and consequently the interests of "GM-free" apiculturists in the EU are not adequately safeguarded."

12. Decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall service [First reading] (LA)
PE-CONS 77/14 TRANS 173 CODEC 881

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 91 of the TFEU).
