



**COUNCIL OF
THE EUROPEAN UNION**

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ADD 1**

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ADDENDUM to DRAFT MINUTES

Subject: **3100th** meeting of the Council of the European Union (**ECONOMIC and FINANCIAL AFFAIRS**) held in Luxembourg on 20 June 2011

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¹ 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).

NON-LEGISLATIVE ACTIVITIES - ADOPTIONS

(Pursuant to Article 9(1) of the Council's Rules of Procedure)

11. Council Regulation amending Council Regulation (EU) No 57/2011 as regards fishing opportunities for certain fish stocks

10395/11 PECHE 130

The Council adopted the above Regulation, with the Lithuanian delegation voting against and the United Kingdom delegation abstaining. (Legal basis: Article 43(3) of the Treaty on the Functioning of the European Union)

COUNCIL STATEMENT

"The Council, noting that this allocation key for the special condition applicable to the stock of Norway Lobster in functional unit 16 (Porcupine Bank) of ICES zone VII is an ad hoc arrangement only for 2011, invites the Member States concerned to engage in early discussions to determine a definitive allocation key for the special condition applicable to the stock of Norwegian Lobster on the basis of conditions prevailing in December 2010, and invites the Commission to facilitate these discussions."

STATEMENT BY FRANCE

on the distribution between the EU Member States of mackerel quotas which have not been exchanged with the Faroe Islands

"France would like to state that it disagrees with the provisions of this Regulation concerning the distribution among EU Member States of mackerel quotas which have not been exchanged with the Faroe Islands, as those provisions are entirely at odds with the principle of relative stability of fishing opportunities.

The provisions compensate a single Member State for the failure to conclude a bilateral agreement between the European Union and the Faroe Islands in 2011 and severely penalise other States, especially France, by not allowing them to tap into the Faroese resources.

France suggested ways of making up for the fact that there is no agreement with the Faroe Islands, without undermining the principle of relative stability, by increasing the volume of the exchanges with Norway and establishing exchanges between Member States in order to maintain relatively stable fishing opportunities.

The Commission did not support these suggestions. As a result, France and other Member States continue to be affected by, and remain uncompensated for, the lack of agreement with the Faroe Islands in 2011.

As discussions on the reform of the common fisheries policy kick off, France is disappointed that this Regulation disregards the principle, endorsed by the vast majority of Member States, of maintaining relative stability as the policy's cornerstone.

France would therefore ask the Commission and all Member States to give careful consideration to the Northern Agreements in order to examine the impact their evolution has had on relative stability and define a long-term strategy which would ensure that the interests of all Member States can be taken into account during the negotiation and implementation of these Agreements".

STATEMENT BY SPAIN
concerning Mackerel (MAC/8C3411)

"The Kingdom of Spain considers that the quota assigned in ICES zone VIII, IX and X; EU waters of CECAF 34.1.1, cannot be reduced as a consequence of future agreements/negotiations with thirds Countries, taking into account the special conditions agreed and included in the Council and Commission statement of December 2009."

STATEMENT BY GERMANY
on the distribution of mackerel quotas

"Germany is disappointed that no fisheries agreement has been reached with the Faroe Islands for 2011, and calls on the Commission to use its best endeavours to bring about a resumption of the Agreement.

Germany welcomes the fact that the southern mackerel components have been included in agreements with the coastal states, but regrets that the principle of relative stability was not observed when dividing up the mackerel quota intended for the Faroe Islands. Germany too emphasises that this must not prejudice the distribution of the EU quota for this stock in future."

STATEMENT BY THE UK
to accompany abstention

"The UK recognises the need for urgent adoption of this proposal to make the amendments in a timely way in order to meet industry needs. We have had to abstain on this occasion, however, as we have not had time for our Parliament to consider the text fully in order to clear the proposal from scrutiny.

We observe that Protocol No 1 (on the role of National Parliaments) to the Treaty on the European Union and the Treaty on the Functioning of the European Union (TFEU) provides for a minimum of 8 weeks between a draft legislative Act being made available to national Parliaments, and the date when it is placed on a provisional agenda for the Council for its adoption, or for the adoption of a position under a legislative procedure. If this proposal is agreed as anticipated on Monday, 20 June, this will be 48 days after bringing forward the proposal, a little short of the 8 weeks required under the Protocol.

While we recognise that this particular proposal is not a "legislative act" for the purposes of the Treaties, we would ask that the Commission and Council should, as far as possible, respect the principles of this Protocol when agreeing fishing opportunities measures under Article 43.3 of TFEU.

We recognise that the specific provision in Article 43.3 is provided to support the practical need for timely decisions on fishing opportunities, but we would very much appreciate the continuing efforts of the Commission to bring forward such proposals in a timely way, to enable full consideration by national Parliaments."

STATEMENT BY LITHUANIA
on the allocation of SPRFMO quotas

"Lithuania cannot approve the proposed allocation of SPRFMO quotas between Member States, considering the proposed share of Jack mackerel quota for Lithuania being calculated in contravention of the principle of relative stability.

In TACs and Quota Regulation for 2010 the internal allocation key for Jack mackerel in SPRFMO Convention area was finally set with no indication of temporary or *ad hoc* nature of this arrangement. The same principle as in Council regulation (EC) 53/2010 was reiterated in Article 26(1) of Council regulation (EC) 57/2011, and it was already approved back in December Council. Therefore we consider that the principle of relative stability, established in Article 20(1) of Council Regulation (EC) 2371/2002, came into force and, accordingly, should be respected when allocating quotas for 2011. We remain of the opinion, that Lithuanian quota for 2011 in SPRFMO Convention area should be calculated according to the same share as in 2010, otherwise as a result of violation of the principle of relative stability, Lithuanian share in the total EU quota permanently drops from 21,23 % to 17,50 %.

Providing that the above-mentioned arguments are not acknowledged, Lithuania regrets the outcome and shall not support the current proposal."

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

Proposals for a Council Directive and Regulation as regards the VAT treatment of insurance and financial services

- = Presidency progress report
 - 11271/11 FISC 85
 - 11092/11 FISC 84

The Council took note of the progress report on these proposals.

AGENDA ITEMS

3. Legislative proposals on economic governance

- **Regulation amending Council Regulation 1466/97 (preventive arm of the Stability and Growth Pact)**
- **Regulation amending Council Regulation 1467/97 (corrective arm of the Stability and Growth Pact)**
- **Regulation on the effective enforcement of budgetary surveillance in the euro area**
- **Regulation on the prevention and correction of macroeconomic imbalances**
- **Regulation on enforcement measures to correct excessive macroeconomic imbalances in the euro area**
 - = Updated general approach
 - 11481/11 ECOFIN 419 UEM 196 CODEC 1015
 - 11477/11 ECOFIN 416 UEM 193
 - 11480/11 ECOFIN 418 UEM 195 CODEC 1014
 - 11484/11 ECOFIN 421 UEM 198 SOC 564 CODEC 1017
 - 11482/11 ECOFIN 420 UEM 197 SOC 563 CODEC 1016

The Council approved the updated general approach.

4. Proposal for a Decision of the European Parliament and of the Council granting an EU guarantee to the European Investment Bank against losses under loans and guarantees for projects outside the European Union

The Council agreed on a statement on Iceland's EEA obligations to accompany the formal adoption of the above-mentioned proposal.

5. Regulation on OTC derivatives, central counterparties and trade repositories

- = Orientation debate
 - 11796/11 EF 92 ECOFIN 439 CODEC 1052
 - 11058/1/11 REV 1 EF 81 ECOFIN 314 CODEC 966

The Council held an orientation debate on the main political issues outstanding in the Presidency compromise set out in doc. 11058/1/11 REV 1.

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