



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 January 2012

**14899/11
ADD 1 REV 1**

PV/CONS	56
COMPET	426
RECH	319
ESPACE	56

ADDENDUM to DRAFT MINUTES

Subject: **3113th** meeting of the Council of the European Union (**COMPETITIVENESS (Internal Market, Industry, Research and Space)**) held in Brussels on 29 and 30 September 2011

PUBLIC DELIBERATION ITEMS¹

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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).

LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

1. Proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety

PE-CONS 44/11 TRANS 218 ENFOPOL 254 CODEC 1241

The Council approved the European Parliament's amendments to the Council's position with the Danish, Irish and the United Kingdom delegations abstaining. The Directive is deemed to have been adopted in the form of the Council's position at first reading thus amended, pursuant to Article 294(8)(a) of the Treaty on the Functioning of the European Union. (Legal basis: Article 87(2) of the TFEU).

Commission statement on the legal basis

"The Commission notes that both Council and European Parliament agree on the replacement of the legal basis proposed by the Commission, namely Article 91, paragraph 1c, TFEU by Article 87, paragraph 2, TFEU. While the Commission shares the view of both co-legislators about the importance of pursuing the aims of the proposed Directive to improve road safety, it considers however from a legal and institutional perspective that Article 87, paragraph 2, TFEU does not constitute the appropriate legal basis and therefore reserves its right to use all legal means at its disposal. "

Joint statement by the European Parliament and the Council on correlation tables

"The agreement reached between the European Parliament and the Council on the proposal for a Directive facilitating cross-border exchange of information on road safety related traffic offences in the trilogue of 20 June 2011 does not prejudice the outcome of the ongoing inter-institutional discussions on correlation tables."

Commission statement on road safety guidelines

"The Commission will examine the need to develop guidelines at EU level in order to ensure greater convergence in the enforcement of road traffic rules by Member States through comparable methods, practices, standards and frequency of controls, in particular in relation to speeding, drink-driving, non-use of seatbelts and failing to stop at a red traffic light".

Commission statement on correlation tables

“The Commission recalls its commitment towards ensuring that Member States establish correlation tables linking the transposition measures they adopt with the EU directive and communicate them to the Commission in the framework of transposing EU legislation, in the interest of citizens, better-law making and increasing legal transparency and to assist the examination of the conformity of national rules with EU provisions.

The Commission regrets the lack of support for the provision included in the proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety, which aimed at rendering the establishment of correlation tables obligatory.

The Commission, in a spirit of compromise and in order to ensure the immediate adoption of that proposal, can accept the substitution of the obligatory provision on correlation tables included in the text with a relevant recital encouraging Member States to follow this practice. However, the position followed by the Commission in this file shall not be considered as a precedent. The Commission will continue its efforts with a view to finding together with the European Parliament and the Council an appropriate solution to this horizontal institutional issue”.

Statement by Germany

"Regarding Article 4, paragraph 2, subparagraph 3:

The subparagraph

'The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road safety related traffic offences referred to in Articles 2 and 3.'

is taken to mean that the person who is personally liable within the meaning of this provision can be none other than the driver as it is only he/she who has actually committed the offence. Any data on vehicle operators that is supplied may therefore, in the German delegation's view, be used solely to investigate who the driver is."

Joint statement by Austria, the Czech Republic, France, Italy, Portugal and Spain

"Austria, the Czech Republic, France, Italy, Portugal and Spain want to state that for the purpose of investigating the person liable for a road safety related traffic offence, all measures as provided by national law can be taken".

2. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers

PE-CONS 43/11 DENLEG 104 SAN 151 CONSOM 125 CODEC 1225

- + COR 1 (de)
- + COR 2 (da)
- + COR 4 (de)
- + COR 5 (et)
- + COR 6 (pl)
- + COR 7 (ro)
- + COR 8 (it)
- + COR 9 (de)
- + COR 10 (fi)
- + REV 1 (bg)
- + REV 2 (fr)
- + REV 3 (da)
- + REV 4 (el)
- + REV 5 (cs)
- + REV 6 (es)

The Council approved the European Parliament's amendment to the Council's position. The Regulation is deemed to have been adopted in the form of the Council's position at first reading thus amended, pursuant to Article 294(8)(a) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

Statement by the Commission on information on method of slaughter of animals

"A study on the opportunity to provide consumers with the relevant information on the stunning of animals before slaughter will be considered in the context of the future EU strategy for the protection and welfare of animals."

Statement by the Commission on aspartame

"On 4 May 2011 the Commission asked the European Food Safety Authority (EFSA) to perform a full re-evaluation of the safety of aspartame. The EFSA accepted this request and it is expected that the scientific assessment will be completed by September 2012. The Commission will ensure that EFSA will also consider the effect of aspartame on pregnant women. In the light of the opinion of the EFSA the Commission will consider whether there is a need to review the existing legislation on aspartame and, if necessary, will undertake appropriate legal measures, such as revising maximum permitted levels and/or requiring provision of relevant information to consumers."

Statement by the Commission on colouring food

"The Commission is working with the Member States on developing guidance on the classification of food extracts with colouring properties. It is expected that the guidance will be finalised in the second half of 2012. The outcome of this technical work will provide the basis for refining the definition of colouring foods and for enabling the provision of accurate information to consumers in relation to the use of food ingredients with colouring properties."

Statement by the Commission on the food pre-packed for direct sale

"The status of food pre-packed for direct sale in terms of hygiene requirements and the provision of food information in that respect will be considered in the context of the future revision of the Food Hygiene Package."

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, paragraph 4, second subparagraph, 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, paragraph 4, recourse to second subparagraph, 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."

Statement by Spain on additional forms of expression and presentation

"Spain strongly believes that, despite the amendments introduced during the second reading of the draft Regulation, the possibility of employing additional forms of expression and presentation in nutritional labelling is problematic and does not entail better information of consumers.

As already stated during the first-reading adoption of the common position, Spain strongly believes that the coexistence of different forms of expression and presentation without a harmonised basis will promote the existence in the market of foodstuffs whose labelling will include different types of information that are difficult for consumers to understand. Advertising campaigns – intended to improve the knowledge of graphical forms and symbols employed in these new forms of expression and presentation – that are launched in countries where these alternative models are implemented, will not be available for consumers in other Member States.

Spain stresses the difficulties arising when trying to export nutritional policies from one country to another, due to different eating habits in Member States.

In addition, and in spite of the new provisions included in Article 34 of the proposal, the alternative forms of expression and presentation pose the risk of a fracture of the internal market with consequences for competition.

Finally, the wording of the current proposal implies more administrative burdens for Member States and impedes progress to a homogeneous internal market.

Taking into account these reasons, Spain would have preferred the harmonisation of these issues as the only mechanism to achieve a high level of information for consumers and a smooth functioning of the internal market."

Statement by Slovenia

"Slovenia supports the adoption of the Regulation on food information to consumers, although we disagree with its provisions regarding labelling of alcoholic beverages. These provisions in our opinion do not follow the aim of the Regulation, which is to improve food labelling rules providing consumers with the essential information needed for informed purchasing choices.

The omission of certain alcoholic beverages from obligatory labelling requirements for beverages in Article 16(4) is not in line with EU health policy goals. Slovenia is particularly concerned about adverse health effects related to harmful and hazardous alcohol consumption as well as the related social and economic consequences, in particular among children and youth population. Certain alcoholic beverages (alco pops) are highly appealing to youth which can contribute to heavier and underage drinking. The consumption of alcoholic beverages can also increase weight, therefore labelling of energy value of alcoholic beverages is important information.

Slovenia therefore calls upon the Commission to address in detail the issue of the exemption of certain alcoholic beverages from labelling obligations when producing the report concerning the application of Articles 18 and 30(1) and to pay particular concern to the requirement to provide information on energy value. We furthermore urge the Commission to accompany this report by a legislative proposal determining the rules for a list of ingredients or a mandatory nutrition declaration for alcoholic products."

AGENDA ITEMS

3. Standardisation package

- (a) **Proposal for a Regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council**

11300/11 COMPET 262 IND 81 MI 301 RECH 178 ENT 135 TELECOM 92
CODEC 989

+ REV 1 (en, fr, hu, mt)

- (b) **Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee "A strategic vision for European standards: Moving forward to enhance and accelerate the sustainable growth of the European economy by 2020"**

11471/11 COMPET 320 IND 85 MI 308 RECH 236 ENT 137 TELECOM 93

- Exchange of views

14144/11 COMPET 386 IND 100 MI 420 RECH 294 ENT 188 TELECOM 121

The Council exchanged views in a public session on the standardisation package on the basis of a number of lead questions by the Presidency (14144/11). The Commission underlined the role of European standardisation in assisting European undertakings in their export efforts. 23 delegations took the floor underlining the need to accelerate procedures while not tainting the quality of standards and while ensuring inclusivity. The forthcoming Presidency pointed out that this dossier will be a priority and that it intends to work intensively in the Council to achieve an early agreement with the European Parliament.

8. (a) **Proposal for a Council Decision concerning the specific programme, to be carried out by means of indirect actions, implementing the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013)**
7402/11 RECH 53 ATO 8 COMPET 84
14200/11 RECH 299 ATO 108 COMPET 393
- (b) **Proposal for a Council Decision concerning the specific programme, to be carried out by means of direct actions by the Joint Research Centre, implementing the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013)**
7404/11 RECH 54 ATO 9 COMPET 85
14202/11 RECH 300 ATO 109 COMPET 394
- (c) **Proposal for a Council Regulation (Euratom) laying down the rules for the participation of undertakings, research centres and universities in indirect actions under the Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2012 - 2013)**
7418/11 RECH 55 ATO 10 COMPET 86
14203/11 RECH 301 ATO 110 COMPET 395

- General approach

The Council reached General Approach for the three proposals under this item as set out in docs. 14200/11, 14202/11 and 14203/11.

The Council took also note of the statement of the Austrian delegation reflected hereafter.

Statement by Austria

"Austria supports the General Approach of the Council on the specific programmes implementing the EURATOM Framework Programme 2012 – 2013. Austria wishes to stress the fact that the two specific programmes give special attention to the areas installation safety, risk assessment, radiation protection, medical use of nuclear fission and activities in relation to nonproliferation and that therefore the majority of funds will be dedicated to these areas.

Austria wishes to recall the Statement of the Council to the Minutes of the 3104th Council meeting on 28 June 2011, where the Council invited the Commission to organise a symposium in 2013 to contribute to the debate on the benefits and limitations of nuclear fission for a low carbon economy and that this symposium will be prepared by an interdisciplinary study involving, inter alia, experts from the fields of energy, economics and social sciences.

Austria further wishes to recall the statement of the Commission in an information note at the 3104th Council meeting on 28 June 2011, stating that the Commission intends to ask the European Group on Ethics in Science and New Technologies to contribute to the debate on a sustainable energy mix in Europe by studying the ethical impact of research on different energy sources (biomass, coal, gas, geothermal, hydro, nuclear, oil, solar, wind) on human wellbeing.

In a longer-term perspective, Austria will put emphasis on a strengthened role of non-nuclear energy research as compared to nuclear energy research, both in terms of content and funding."

9. **Proposal for a Council Regulation amending Regulation (EC) No 521/2008 setting up the Fuel Cells and Hydrogen Joint Undertaking**

(Legal basis proposed by the Commission: Articles 187 and 188 of the TFEU)

- Political agreement
 - 9641/11 RECH 93 ENER 95
 - 14483/11 RECH 309 ENER 297

The Council reached a political agreement on the Proposal for a Council Regulation amending Regulation (EC) No 521/2008 setting up the Fuel Cells and Hydrogen Joint Undertaking set out in doc. 14483/11. The Italian delegation made a statement set out hereafter.

Statement by Italy

"Italy strongly supports the JTI on Fuel Cells and Hydrogen and its ongoing programme of activities. However Italy underlines the need to carry out a timely comprehensive assessment and review of the existing Road Map, in order to better align it with the evolving trend of research, demonstration and deployment programmes and the interests of the concerned industries worldwide."

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