



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 September 2012**

**12899/12  
ADD 1**

**PV CONS 46  
RELEX 841**

**ADDENDUM to DRAFT MINUTES**

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Subject: **3179th** meeting of the Council of the European Union (**FOREIGN AFFAIRS**),  
held in Luxembourg on 25 June 2012

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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)*

### **"A" ITEM**

#### **Proposals for financing instruments for external action under the Multiannual Financial Framework (2014-2020) [First reading]**

= Partial general approach

- a) Draft Regulation of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II)  
10962/12 ELARG 52 PESC 709 RELEX 511 FIN 407 CADREFIN 295  
COWEB 82 CODEC 1573 PE 250  
+ ADD 1
- b) Draft Regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument  
11028/12 COEST 194 COMAG 47 PESC 710 RELEX 513 FIN 410  
CADREFIN 298 DEVGEN 161 CODEC 1584  
+ ADD 1
- c) Draft Regulation of the European Parliament and of the Council establishing a Partnership Instrument for cooperation with third countries  
11030/12 CADREFIN 300 DEVGEN 163 RELEX 515 COASI 99 ASIE 66  
COEST 196 CODEC 1586 PE 255 COMAG 49 COLAT 24
- d) Draft Regulation of the European Parliament and of the Council establishing an Instrument for Stability  
11031/12 RELEX 516 PESC 712 FIN 413 DEVGEN 164 ACP 95  
CADREFIN 301 CODEC 1587 PE 256
- e) Draft Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for the promotion of democracy and human rights worldwide  
11033/12 COHOM 139 DEVGEN 165 NIS 53 PESC 714 RELEX 517  
FIN 414 ACP 96 CADREFIN 302 CODEC 1589  
+ ADD 1
- f) Draft Council Regulation establishing an Instrument for Nuclear Safety Cooperation  
11034/12 ATO 99 RELEX 518 PESC 715 FIN 415 CADREFIN 303
- g) Draft Council Decision on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other  
11058/12 GROENLAND 10 COEST 205 PTOM 25 PECHE 220 FIN 417  
ENV 512 EEE 71 CADREFIN 304
- h) Draft Regulation of the European Parliament and of the Council establishing common rules and procedures for the implementation of the Union's instruments for external action  
11059/12 RELEX 521 FIN 418 DEVGEN 168 ACP 99 CODEC 1597  
CADREFIN 305 COHOM 142 COEST 206 COLAT 25 COMAG 54 ASIE 71  
COASI 105 COWEB 90 ELARG 60 ATO 101 PE 260  
+ ADD 1

The Council adopted a partial general approach to the draft Regulation.

The Council decided to enter in its minutes a statement by Hungary on sub-item a) as set out hereafter.

### **Statement by Hungary**

"Hungary accepts the proposal for a Regulation of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II) with the understanding that the language used on minorities in article 2(1)(a)(ii) will in no way narrow the scope of future IPA programmes aimed at enhancing the respect for and protection of minorities in line with the Copenhagen Criteria, and under the understanding that the EU through IPA will continue to fund projects directed at all minority groups, including national minorities."

The Council decided to enter in its minutes a statement on sub-items b), e) and h) as set out hereafter.

### **Statement by the Council**

"The Council agrees to examine the issue of the European Endowment for Democracy (EED) in relation to the European Neighbourhood Instrument, the Instrument for Democracy and Human Rights and the Common Implementing Rules once the European Endowment for Democracy is established, in the context of negotiations of the instruments with the European Parliament."

The Council decided to enter in its minutes a declaration by France on sub-item f) as set out hereafter.

### **Statement by France**

"The French authorities have taken note of the Council Legal Service's analysis of the applicability of Regulation No 182/2011 to Euratom secondary legislation. France considers that the conclusions of this analysis partly confirm its own conclusions, and reveal a certain legal weakness in the current regime.

The application of Union secondary legislation to Euratom secondary legislation, on the basis of Article 106a of the Euratom Treaty, gives rise to legal uncertainty in the absence of a reference to the relevant Euratom legal basis in the Union secondary legislation.

With specific reference to Regulation No 182/2011, France notes a problem with actual implementation, due to the changeover between the former Euratom ad hoc committee procedures and the examination and opinion procedures established by Regulation No 182/2011.

Regulation No 182/2011 repeals and replaces Decision 1999/468/EC, which did not apply to the Euratom framework, in which the various committees are ad hoc committees. In addition, although Regulation No 182/2011 provides for a switch from the procedures under Decision 1999/468/EC to those of the new Regulation, it fails to establish the relationship between the Euratom procedures and the new procedures.

The French authorities therefore consider that the question of the switch from the ad hoc procedures applicable within Euratom remains open, and that this issue needs to be resolved. In any event, the preferred scenario should be that these procedures switch to the examination procedure established by Article 5 of Regulation No 182/2011.

However, France does not intend to block adoption of the Regulation establishing an Instrument for Nuclear Safety Cooperation (INSC) for 2014-2020, as long as it receives assurance that the problems raised will be considered by the European Commission in future, and the Commission initiates discussions with the Member States in order to resolve the outstanding issues."

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### AGENDA ITEM

#### **3. Proposals for financing instruments for external action under the Multiannual Financial Framework (2014-2020) [First reading]**

- Partial general approach
  - = Draft Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation  
11029/12 DEVGEN 162 ACP 93 RELEX 514 FIN 411 NIS 52 PESC 711  
CADREFIN 299 COHOM 136 CODEC 1585 PE 254

After an intervention by Spain the Council adopted the partial general approach as regards the draft Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation, as set out in doc. 11029/12.

The Council decided to enter in its minutes a statement by Spain, as set out hereafter.

#### **Statement by Spain**

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- Development cooperation policy is a very valuable instrument in the European Union's foreign policy, the aim of which is to contribute to peace and security, sustainable development, the promotion and consolidation of European principles and values and, ultimately, the establishment of a fairer international society with greater solidarity.
- We need to interpret the "*agenda for change*" in an intelligent manner, so as to ensure that development is sustainable and that where a country graduates into a middle income country that step is irreversible.
- The bi-regional strategic relationship with Latin America is an essential asset for the EU's foreign policy. Accordingly, the EU has concluded trade agreements with Chile and Mexico, an Association Agreement with Central America and a trade agreement with Colombia and Peru. Two of the EU's ten strategic partners around the world (Brazil and Mexico) are located in Latin America.

- In this context, please allow me a brief mention of the Development Cooperation Instrument and of the importance we attach to its inclusion of certain countries from that region.
- We would point out that many Latin American countries will no longer receive EU bilateral aid during the next budgetary cycle and will also be leaving the GSP. The combined effect of these two measures may have very damaging consequences and send a very negative message to the region following several years in which we have made substantial strides in our relations with what is a strategically important region with considerable potential for the EU.
- The Andean countries are complex, fragile and vulnerable countries, and face serious developmental challenges. They are riven by serious problems of violence, organised crime, drugs production, and Europe-bound drug trafficking, which affect our own societies and institutions. Bilateral aid is a key instrument in the EU programmes combating drug trafficking and corruption and promoting human rights in these countries.
- Spain believes that these considerations, provided for in Article 3(2) of the draft Regulation, fully justify the inclusion of Colombia, Peru and Ecuador among the beneficiaries of the EU bilateral aid. We will continue to defend this position in the negotiations with the European Parliament. I am also convinced that the European Commission will share my delegation's concerns and am confident that the end result will be an intelligent and sophisticated EU development cooperation policy."

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