



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 April 2013

**18018/12
ADD 1**

| | |
|----------------|------------|
| PV/CONS | 75 |
| TRANS | 473 |
| TELECOM | 263 |
| ENER | 547 |

DRAFT MINUTES

Subject: **3213th** meeting of the Council of the European Union (**TRANSPORT,**
TELECOMMUNICATIONS AND ENERGY), held in Brussels on
20 December 2012

PUBLIC DELIBERATION ITEMS¹

Page

"A" ITEMS list (doc. 17632/12 PTS A 110)

| | | |
|---------|---|---|
| Item 1. | Regulation of the European Parliament and of the Council amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment [First reading] (LA) | 4 |
| Item 2. | Regulation of the European Parliament and of the Council on the European statistical programme 2013-2017 [First reading] (LA)..... | 4 |
| Item 3. | Regulation of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part [First reading] (LA + S) | 4 |
| Item 4. | Regulation of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other [First reading] (LA + S) | 6 |
| Item 5. | Council Directive amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals..... | 7 |
| Item 6. | Proposal for a Regulation of the European Parliament and of the Council on food intended for infants and young children and on food for special medical purposes [First reading] (LA)..... | 7 |

"A" ITEMS list (doc. 17851/12 PTS A 111)

| | | |
|---------|--|---|
| Item 5. | Council Regulation fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks..... | 8 |
|---------|--|---|

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).

AGENDA ITEMS list (doc. 17644/12 OJ CONS 74 TRANS 462 TELECOM 258 ENER 531)

| | | |
|----------|---|----|
| Item 4 | Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems [First reading]..... | 9 |
| Item 5. | Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC [First reading] | 9 |
| Item 6. | Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility [First reading]..... | 10 |
| Item 9. | Proposal for a Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market [First reading] | 10 |
| Item 10. | Proposal for a Regulation of the European Parliament and of the Council on guidelines for Trans-European Telecommunications Networks and repealing Decision No 1336/97/EC [First reading] | 10 |
| Item 11. | Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC on the re-use of Public Sector Information (PSI) [First reading]..... | 11 |
| Item 12. | Europe 2020 Strategy | 11 |

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

- 1. Regulation of the European Parliament and of the Council amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment [First reading] (LA)**

PE-CONS 57/12 ENER 408 COTRA 36 CODEC 2281 OC 537

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: Article 194(2) of the TFEU).

- 2. Regulation of the European Parliament and of the Council on the European statistical programme 2013-2017 [First reading] (LA)**

PE-CONS 65/12 STATIS 82 ECOFIN 914 CODEC 2577 OC 623

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: Article 338(1) of the TFEU).

- 3. Regulation of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part [First reading] (LA + S)**

PE-CONS 62/12 WTO 345 COMER 223 AMLAT 64 CODEC 2567 OC 613
+ COR 1 (el)

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: Article 207(2) of the TFEU).

Commission Statement

"The Commission welcomes the first reading agreement between the European Parliament and the Council on Regulation (EU) No 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part¹.

As envisaged in Regulation (EU) No 19/2013, the Commission will submit an annual report to the European Parliament and to the Council on the implementation of the Agreement and will be ready to discuss with the responsible committee of the European Parliament any issues arising from the implementation of the Agreement.

The Commission will attach particular importance to the effective implementation of commitments on trade and sustainable development in the Agreement, taking into account the specific information provided by the relevant monitoring bodies of the fundamental Conventions of the International Labour Organisation and the multilateral environmental agreements listed in Title IX of the Agreement. In this context, the Commission will also seek the views of the relevant civil society advisory groups.

After the expiry of the stabilisation mechanism for bananas on 31 December 2019, the Commission will assess the situation of the Union market for bananas and the state of Union banana producers. The Commission will report its findings to the European Parliament and to the Council and will include a preliminary assessment of the functioning of the "Programme d'Options Spécifiques à l'Éloignement et l'Insularité" (POSEI) in preserving the banana production in the Union."

Joint Declaration

"The European Parliament and the Commission agree on the importance of close cooperation in monitoring the implementation of the Agreement and Regulation (EU) 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part¹. To that end they agree on the following:

- ☐ Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Colombia or Peru of their commitments on trade and sustainable development.
- ☐ If the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under Regulation (EU) No 19/2013 for ex-officio initiation are fulfilled. If the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation."

¹ OJ L 17, 19.1.2013, p. 1.

Statement by Belgium

"Belgium insists that the Commission pays the outermost attention at the effects for consumer prices in assessing the impact foreseen in article 15(3).

4. Regulation of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other [First reading] (LA + S)

PE-CONS 63/12 WTO 346 COMER 224 AMLAT 65 CODEC 2568 OC 614
+ COR 1 (el)

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: Article 207(2) of the TFEU).

Commission Statement

"The Commission welcomes the first reading agreement between the European Parliament and the Council on Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other¹.

As envisaged in Regulation (EU) No 20/2013, the Commission will submit an annual report to the European Parliament and to the Council on the implementation of Part IV of the Agreement and will be ready to discuss with the responsible committee of the European Parliament any issues arising from the implementation of Part IV of the Agreement.

The Commission will attach particular importance to the effective implementation of commitments on trade and sustainable development in the Agreement, taking into account the specific information provided by the relevant monitoring bodies of the fundamental Conventions of the International Labour Organisation and the multilateral environmental agreements listed in Title VIII of Part IV of the Agreement. In this context, the Commission will also seek the views of the relevant civil society advisory groups.

After the expiry of the Banana Stabilisation Mechanism on 31 December 2019, the Commission will assess the situation of the Union market for bananas and the state of Union banana producers. The Commission will report its findings to the European Parliament and the Council and would include a preliminary assessment of the functioning of the "Programme d'Options Spécifiques à l'Éloignement et l'Insularité" (POSEI) in preserving the banana production in the Union."

¹ OJ L 17, 19.1.2013, p. 13.

Joint Declaration

"The European Parliament and the Commission agree on the importance of close cooperation in monitoring the implementation of Part IV of the Agreement and Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other¹. To that end they agree on the following:

- Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Central American countries of their commitments on trade and sustainable development.
- If the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under Regulation (EU) No 20/2013 for ex-officio initiation are fulfilled. If the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation."

Statement by Belgium

"Belgium insists that the Commission pays the outermost attention at the effects for consumer prices in assessing the impact foreseen in article 15(3)."

5. Council Directive amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

The Council adopted the above directive (Legal basis: Article 22(2) of the TFEU).

6. Proposal for a Regulation of the European Parliament and of the Council on food intended for infants and young children and on food for special medical purposes [First reading] (LA)

- Political agreement
16961/12 DENLEG 114 AGRI 820 SAN 300 CODEC 2850
+ COR 1
+ ADD 1
+ ADD 2
approved by Coreper, Part 1, on 05.12.2012

The Council reached political agreement on the regulation proposal.

¹ OJ L 17, 19.1.2013, p. 13.

NON LEGISLATIVE ACTIVITIES - ADOPTIONS

(in accordance with Article 9(1) of the Council's Rules of Procedure)

5. Council Regulation fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks

The Council adopted the above Regulation (Legal basis: Article 43(3) of the TFEU).

Statements by the Commission

Ad deep-sea sharks

"The Commission will examine the list of species defined as deep-sea sharks in part 1 ("Definition of species and species groups") of the Annex to the Regulation, in particular as regards the possible exclusion of Blackmouth catshark (*Galeus melastomus*) and the possible inclusion of Lowfin gulper shark (*Centrophorus lusitanicus*). Where appropriate, the Commission may propose to amend this list, in the light of scientific advice it may receive on this matter."

Ad red seabream in area IX

"The Commission notes that a rollover of the 2012 TAC for Red seabream in area IX has been agreed, acknowledging national efforts being made for the sustainable management of the stock. The Commission shall request scientific evaluation of relevant national measures for the protection of the stock."

Statement by Sweden

"Sweden believes in the importance to apply the principles enshrined in the UN Agreement on Migratory Stocks and in the International Guidelines for Deep Sea Fishing from 2008, particularly concerning the stock assessments, impact assessments and the application of the precautionary approach. Where no scientific advice is available the precautionary approach should apply. On 29 of November the Council reached a political agreement on the proposal for deep sea species for 2013 and 2014. Sweden will vote no to the final compromise because the precautionary approach has not been applied for stocks where no reliable scientific advice is available."

AGENDA ITEMS

4. Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems [First reading]

- Progress report
17844/11 TRANS 338 MAR 154 AVIATION 254 CAB 54 CODEC 2250
 ESPACE 80 FIN 1021
 + REV 1 (en,fr,de)
16871/12 TRANS 425 MAR 136 AVIATION 184 CAB 35 CODEC 2823
 ESPACE 58 FIN 960 CSC 85

The Council took note of the Presidency progress report as set out in doc. 16871/12.

5. Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC [First reading]

- General approach
 12786/12 TRANS 249 CODEC 1954
 + REV 1 (bg,cs,da,el,es,et,fi,ga,hu,it,lt,lv,mt,nl,pl,pt,ro,sk,sl,sv)
 + ADD 1
 + ADD 1 REV 1 (bg,cs,da,el,es,et,fi,ga,hu,it,lt,lv,mt,nl,pl,pt,ro,sk,sl,sv)
 17720/12 TRANS 464 CODEC 3038
 + ADD 1

The Council reached an agreement on the general approach on the above proposal, as set out in doc. 5018/13 and agreed to enter in these minutes a statement by Italy (as set out hereafter).

Statement by Italy

"As anticipated by Minister Ciaccia when speaking at the Transport Council, Italy confirms its position on the proposal for a Regulation on periodic roadworthiness tests for motor vehicles and their trailers with regard to the following points:

- the legal form of the legislative instrument, in respect of which Italy confirms its preference for an instrument that is directly applicable in the Member States, such as a Regulation, which is more effective for such a sensitive issue as safety;
- the scope of the Regulation, regarding which Italy confirms its preference for including the vehicle categories L (motorcycles) and O2 (trailers)."

6. Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility [First reading]

- Progress report

16176/11 CADREFIN 117 POLGEN 177 REGIO 111 ENER 345 TRANS 292

TELECOM 161 COMPET 472 MI 533 ECO 129

+ REV 1 (cs,da,de,en,fi,fr,ga,lv,mt,nl)

+ REV 3 (bg,el,es,et,hu,it,lt,pl,pt,ro,sk,sl,sv)

+ REV 4 (cs,da,de,en,fi,fr,ga,lv,mt)

+ REV 5 (nl)

17107/12 TRANS 437 FIN 986 CADREFIN 496 POLGEN 206 REGIO 148 ENER 508

TELECOM 237 COMPET 747 MI 798 ECO 147 CODEC 2884

+ COR 1 REV 1

The Council took note of the progress report on the state of play of the examination of the above proposal.

9. Proposal for a Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market [First reading]

- Progress report and orientation debate

10977/12 TELECOM 122 MI 411 DATAPROTECT 73 CODEC 1576

17269/12 TELECOM 242 MI 804 DATAPROTECT 140 EJUSTICE 86

CODEC 2915

The Council took note of the progress report set out in Annex I of doc. 17269/12 and held an orientation debate on the basis of the questions set out in Annex II of doc. 17269/12.

10. Proposal for a Regulation of the European Parliament and of the Council on guidelines for Trans-European Telecommunications Networks and repealing Decision No 1336/97/EC [First reading]

- Progress report

16006/11 TELECOM 152 CODEC 1801

17257/12 TELECOM 241 AUDIO 126 CODEC 2914

+ COR 1

The Council took note of the progress report set out in doc. 17257/12 + COR 1.

11. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC on the re-use of Public Sector Information (PSI) [First reading]

- Progress report
18555/11 TELECOM 212 PI 188 COMPET 619 CODEC 2426 AUDIO 83
CULT 120
+ COR 1
17272/12 TELECOM 243 PI 160 COMPET 752 AUDIO 127 CULT 158
CODEC 2916

The Council took note of the progress report set out in doc. 17272/12.

NON- LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedures [proposed by the Presidency])

12. Europe 2020 Strategy

(a) Mid-term review of Digital Agenda for Europe - Next steps

(b) Annual Growth Survey

- Policy debate
17339/12 TELECOM 249 MI 810 COMPET 761 CONSOM 154
DATAPROTECT 145 RECH 457 AUDIO 130 POLGEN 211

The Council held a policy debate on the questions set out in doc. 17339/12 with a view to assessing the progress made with the priorities of the Digital Agenda for Europe in the context of the implementation of the Europe 2020 strategy. With a view to the European Council on Innovation and Digital in October 2013 the Presidency will report on the outcome of the debate to the President of the European Council.

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