



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 May 2011

**6597/11
ADD 1**

**PV/CONS 6
EDUC 32
JEUN 9
CULT 10
SPORT 5**

ADDENDUM to DRAFT MINUTES

Subject: **3066th** meeting of the Council of the European Union (**EDUCATION, YOUTH, CULTURE AND SPORT**) held in Brussels on 14 February 2011

PUBLIC DELIBERATION ITEMS ¹

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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 amending Directive 1999/62/EC on the charging of heavy goods vehicle for the use of certain infrastructures

- Adoption of
 - 5767/2/11 REV 2 CODEC 109 TRANS 22 FISC 7 ENV 50
 - + COR 1
 - + ADD 1 REV 1
- a) the Council's position
 - 15145/10 TRANS 283 FISC 119 ENV 706 CODEC 1087
 - + COR 1 (sv)
- b) the statement of the Council reasons
 - 15145/10 ADD 1 REV 1 TRANS 283 FISC 119 ENV 706 CODEC 1087

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, with the Spanish and Italian delegations voting against and the Irish, Netherlands and Portuguese delegations abstaining (Legal basis: Article 91(1) of the TFEU).

2. Regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

- PE-CONS 64/10 INST 592 CODEC 1518
- + REV 1 (ro)
- + REV 1 COR 1 (ro)
- + REV 2 (pl)
- + REV 3 (el)
- + REV 4 (de)

The Council approved the amendments set out in the European Parliament's position at first reading and adopted the proposed act accordingly, with the Netherlands and United Kingdom delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 291(3) of the TFEU).

Statement by the European Parliament, the Council and the Commission

"Article 5(2) of this Regulation requires the Commission to adopt a draft implementing act where the committee delivers a positive opinion. This provision does not preclude that Commission may, as is the current practice, in very exceptional cases, take into consideration new circumstances that have arisen after the vote and decide not to adopt a draft implementing act, after having duly informed the committee and the legislator."

Statements by the Commission

1. "The Commission will proceed to an examination of all legislative acts in force which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty, in order to assess if those instruments need to be adapted to the regime of delegated acts introduced by Article 290 of the Treaty on the Functioning of the European Union. The Commission will make the appropriate proposals as soon as possible and no later than at the dates mentioned in the indicative calendar annexed to this declaration.

While this alignment exercise is underway, the Commission will keep the European Parliament regularly informed on draft implementing measures related to these instruments which should become, in the future, delegated acts.

As regards legislative acts in force which currently contain references to the regulatory procedure with scrutiny, the Commission will review the provisions attached to this procedure in each instrument it intends to modify, in order to adapt them in due course according to the criteria laid down in the Treaty. In addition, the European Parliament and the Council will be entitled to signal basic acts they consider important to adapt as a matter of priority.

The Commission will assess the results of this process by the end of 2012 in order to estimate how many legislative acts containing references to the regulatory procedure with scrutiny remain in force. The Commission will then prepare the appropriate legislative initiatives to complete the adaptation. The overall objective of the Commission is that, by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments."

2. "The Commission notes that it has recently launched a study which will provide a complete and objective review of all aspects of the EU's trade defence policy and practice, including an evaluation of the performance, methods, utilisation and effectiveness of the present TDI scheme in achieving its trade policy objectives, an evaluation of the effectiveness of the existing and potential policy decisions of the European Union (e.g., the Union interest test, the lesser duty rule, the duty collection system) in comparison with the policy decisions made by certain trading partners and an examination of the basic anti-dumping and anti-subsidy regulations in light of the administrative practice of the EU institutions, the judgments of the Court of Justice of the European Union and the recommendations and rulings of the WTO Dispute Settlement Body.

The Commission intends, in the light of the results of the study and of developments in the Doha Development Agenda negotiations to explore whether and how to further update and modernize the EU's trade defence instruments

The Commission also recalls the recent initiatives it has taken to improve the transparency of the operation of trade defence instruments (such as the appointment of a Hearing Officer) and its work with Member States to clarify key elements of trade defence practice. The Commission attaches substantial importance to this work, and will seek to identify, in consultation with the Member States, other initiatives which could be taken in this respect."

3. "Under the comitology rules based on Council Decision 1999/468/EC, where a Common Agricultural Policy (CAP) management committee has delivered an unfavourable opinion, the Commission must submit the draft measure in question to the Council which may take a different decision within a month. However, the Commission is not barred from acting but has the choice to either put the measure in place or defer its application. Hence, the Commission may take the measure where it considers on balance that suspending its application would for instance provoke irreversible negative market effects. When afterwards the Council decides otherwise the measure put in effect by the Commission becomes of course redundant. Thus the current rules equip the Commission with an instrument that allows protecting the common interest of the whole Union by adopting a measure at least on an interim basis.

Article 7 of this Regulation pursues the objective of maintaining this approach within the new comitology arrangements but limited to exceptional situations and on the basis of clearly defined and restrictive criteria. It would allow the Commission to adopt a draft measure despite the unfavourable opinion of the examination committee provided that its "non adoption within an imperative deadline would create a significant disruption of the markets (...) or for the financial interests of the Union." The provision refers to situations where it is not possible to wait until the committee votes again on the same or another draft measure because in the meantime the market would be significantly disrupted e.g. due to the speculative behaviour of operators. To ensure the Union's ability to act it would give Member States and the Commission the opportunity to have another informed discussion on the draft measure without leaving things undecided and open to speculation with the negative consequences for the markets and the budget.

Such situations may namely arise in the context of the day-to-day management of the CAP (e.g. fixing of export refunds, management of licences, special safeguard clause) where decisions need often to be taken quickly and can have significant economic consequences for the markets and thus farmers and operators but also for the budget of the Union."

4. "In cases where the European Parliament or the Council indicate to the Commission that they consider a draft implementing act to exceed the implementing powers provided for in the basic act, the Commission will immediately review the draft implementing act taking into account the positions expressed by the European Parliament or the Council.

The Commission will act in a manner which takes duly into account the urgency of the matter.

Before deciding whether the draft implementing act shall be adopted, amended or withdrawn, the Commission will inform the European Parliament or the Council of the action it intends to take and of its reasons for doing so."

3. Regulation of the European Parliament and of the Council on the citizens' initiative
PE-CONS 65/10 INST 593 POLGEN 217 CODEC 1519
+ REV 1 (mt)
+ COR 1 (it)

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act accordingly, with the United Kingdom delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 24 of the TFEU).

Commission statements

1. "The Commission will provide accurate information on the citizens' initiative. In particular, it will draft and keep up-to-date a comprehensive and user-friendly guide on the citizens' initiative, in every official language of the Union, which will be accessible on the Commission's website dedicated to the citizens' initiative. Moreover, during the process of registering and processing proposals for citizens' initiatives, the Commission will provide support and guidance to the organisers, where needed. In addition, the Commission will, upon request, inform the organisers of current or intended legislative proposals on matters raised by the initiative."
2. "After the registration of a proposed initiative in one official language, the organisers can request the Commission, at any time during the collection of statements of support, to include in the register translations of the proposed initiative in any other official languages. The translations will be the responsibility of the organisers; before accepting the inclusion of new language versions in the register, the Commission will check that there are no manifest and significant inconsistencies between the original text and the new linguistic versions of the title, the subject-matter and the objectives."

Statement by the Belgian Presidency of the Council

"The Presidency will endeavour to ensure that the measures needed for the application of the present regulation are in place as soon as possible and at the latest one year after its entry into force as foreseen in the regulation."

AGENDA ITEMS

NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(Public debate pursuant to Article 8 of the Council's Rules of Procedure)

3. Approval of the list of "A" items

[Public debate pursuant to Article 8(2) CRP (proposed by the Presidency)]
6182/11 PTS A 9

The Council approved the "A" items listed in doc. 6182/11.

4. Contribution to the EU Semester, Annual Growth Survey

- Policy debate

[Public debate pursuant to Article 8(2) CRP (proposed by the Presidency)]

18066/10 ECOFIN 866 COMPET 443 SOC 858 ENV 878
EDUC 235 RECH 426 ENER 372

+ REV 1 (fr)

+ ADD 1

+ ADD 2

+ ADD 3

5504/11 EDUC 10 SOC 37

The Council held a policy debate on the basis of the question paper drafted by the Presidency (see doc. 5504/11). Many Member States emphasised the importance of efficient investment in education in order to lay the foundations for long-term growth, of promoting skills development and of doing more to tackle early school leaving.

The Presidency undertook to forward a summary of the debate - via the General Affairs Council - to the Spring European Council.

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