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**COUNCIL OF
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General Affairs

Brussels, 12 September 2011

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State Secretary for European Affairs of Poland

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Main results of the Council

*The Council held a first exchange of views on the **Multiannual Financial Framework** (2014 - 2020).*

*The Council adopted a regulation establishing a **European agency** for the operational management of large-scale EU information technology systems, such as the second-generation Schengen Information System (SIS II), the Visa Information System and Eurodac, the European database for identifying asylum seekers and illegal immigrants. Scheduled to operate as from summer 2012, the agency will be sited in Tallin, with tasks related to development and operational management to be carried out in Strasbourg. A backup site will be based in Sankt Johann im Pongau (Austria).*

*The Council adopted a directive revising the so-called **Eurovignette** directive of 1999 on road use charges for heavy goods vehicles, aimed at reducing pollution and enabling traffic to flow more smoothly.*

*It adopted a decision authorising the Commission to negotiate an agreement with Azerbaijan and Turkmenistan on a legal framework for a **trans-Caspian pipeline** system.*

*The Council also adopted its first reading position on a draft directive aimed at allowing member states to exempt **very small businesses** from accounting and financial reporting obligations.*

*The Council approved an extra EUR 60 million for humanitarian and food aid in the **Horn of Africa** and EUR 40 million for **Sudan and South Sudan**.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 - Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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Mr Janusz LEWANDOWSKI

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ITEMS DEBATED

MULTIANNUAL FINANCIAL FRAMEWORK

The presidency informed the Council, on the basis of a note ([13127/11](#)), of progress in technical discussions on the duration, structure and flexibility of the EU's next multiannual financial framework (MFF).

Ministers held an exchange of views over lunch.

All delegations agreed with the proposed seven-year duration (2014-2020), which in their view strikes the right balance between stability and predictability in EU expenditure.

Ministers in general also welcomed the proposed structure of the next MFF. Doubts were expressed however on the proposed merger of the current sub-headings 1a and 1b into a single heading 1 ("smart and inclusive growth") and on the consequent creation under the new heading 1 of a sub-ceiling for expenditure on economic, social and territorial cohesion. Some ministers considered that a separate sub-heading should be maintained for cohesion policy, whilst others asked for guarantees that cohesion expenditure would not be undermined by the proposed structure; others still raised concerns about the link between cohesion expenditure and the proposed Connecting Europe Facility.

Some ministers raised doubts about the Commission's proposal to create further instruments outside the financial framework (such as a new reserve fund for crises in the agricultural sector or a fund for ITER, the International Thermonuclear Experimental Reactor), in addition to the existing ones (European development fund, solidarity fund, flexibility instrument, emergency aid reserve and European globalisation fund). Other ministers saw a need to discuss each item individually.

Concerning flexibility, ministers in general welcomed the Commission's proposals as striking a balance between the need for budgetary discipline, on the one hand, and the need to provide sufficient means to address new challenges, on the other. Ministers agreed that appropriate flexibility is needed in the MFF. This however may not mean simply spending above the limit, as budgetary discipline is a must.

The presidency intends to continue discussions until the end of the year so as to gain a better understanding of the proposals and of the positions of member states, and thus to allow the subsequent presidency to oversee negotiations aimed at a successful and timely conclusion of the new framework.

PREPARATION OF THE OCTOBER EUROPEAN COUNCIL

The Council examined an annotated draft agenda for the European Council meeting to be held on 17-18 October ([13078/11](#)).

The European Council is expected to focus on:

- *Economic policy*: The external aspects of the EU's economic policy, with a view to enhancing competitiveness and growth.
- *G20*: The EU's position for the G20 summit to take place in Cannes on 3-4 November.
- *Climate change*: The EU's position for the United Nations conference on climate change to be held in Durban from 28 November to 9 December.

The Council will hold a further discussion at a meeting on 13 October, on the basis of draft European Council conclusions.

OTHER ITEMS APPROVED**ENLARGEMENT****Interim arrangements - Croatia**

The Council approved internal arrangements to supplement arrangements agreed with Croatia for the interim period between the conclusion of negotiations on its accession to the EU and the entry into force of a Treaty of Accession.

The internal arrangements follow those used at the time of the EU's previous enlargement. They define in particular how an information and consultation procedure agreed with Croatia, and Croatia's observer status in the run-up to accession, will be implemented in practice.

COMMON SECURITY AND DEFENCE POLICY**Democratic Republic of the Congo - Security sector reform - Police mission**

The Council amended decision 2010/565/CFSP on the EU mission in support of security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo), setting the financial reference amount for the period from 1 October 2011 to 30 September 2012 at EUR 13.6 million.

The mission provides advice and assistance to the Congolese authorities whilst ensuring the promotion of policies that are compatible with human rights and international humanitarian law, democratic standards, transparency and the rule of law.

The Council also extended the EU police mission in the Democratic Republic of the Congo until 30 September 2012, setting the financial reference amount to cover the mission at EUR 7.15 million.

The EU police mission will continue to assist the Congolese authorities with the reform of the Congolese National Police (PNC). The Council modified the mission statement so that the mission can contribute to local and international efforts to boost PNC capabilities, including in the run-up to forthcoming elections.

EU monitoring mission in Georgia

The Council extended the EU monitoring mission in Georgia by one year, i.e. until 14 September 2012. The objective of the mission continues to be to contribute to stability throughout Georgia and the surrounding region. The budget of the mission for the additional year was set at EUR 23.9 million.

JUSTICE AND HOME AFFAIRS

EU agency for large-scale IT systems

The Council adopted, on the basis of a text agreed with the European Parliament, a regulation establishing a European agency for the operational management of large-scale EU information technology systems ([10827/1/11](#)).

IT systems to be managed by the new agency will include the second generation Schengen Information System (SIS II), the Visa Information System and Eurodac, the European database for identifying asylum seekers and illegal immigrants.

The agency is scheduled to start working in summer 2012. Its seat will be in Tallin, Estonia, while tasks related to development and operational management will be carried out in Strasbourg, France. A backup site will be based in Sankt Johann im Pongau, Austria.

For details, see press release [13921/11](#).

Counter-terrorism

The Council adopted conclusions on the fight against terrorism, in the context of the commemoration of the 10th anniversary of 11 September.

The conclusions reaffirm the Council's commitment to implementation of the EU's counter-terrorism strategy¹ and action plan on combating terrorism². They underscore the importance of continuing to tackle extremism and radicalisation in all its forms.

The conclusions can be found in:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/124566.pdf

¹ [14469/4/05](#)

² [15893/10](#)

Automated data exchange with Romania

The Council adopted a decision on the launch of automated data exchange concerning vehicle registration data in Romania ([12647/11](#)).

The evaluation procedure required by decision 2008/616/JHA¹ concluded that Romania has fully implemented general provisions on data protection and that it is therefore entitled to receive and supply personal data as from the date of entry into force of the decision.

GENERAL AFFAIRS

Co-operation and verification mechanism for Bulgaria and Romania

The Council adopted conclusions on the co-operation and verification mechanism for Bulgaria and Romania, on the basis of two interim progress reports from the Commission.

The mechanism² was established when the two countries acceded to the EU in order to help them establish impartial, independent and effective judicial and administrative systems. The Commission intends to present, in the summer of 2012, an overall assessment of the progress made by Bulgaria and Romania since 1 January 2007 within the framework of the co-operation and verification mechanism.

The conclusions can be found in:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/124564.pdf

¹ [OJ L 210, 6.8.2008](#)

² Commission decision 2006/929/EC of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform, the fight against corruption and the fight against organised crime ([OJ L 354, 14.12.2006, p. 58](#)).

BUDGETS

Humanitarian aid for the Horn of Africa, Sudan and South Sudan

The Council approved an extra EUR 60 million for humanitarian and food aid in the Horn of Africa and EUR 40 million for Sudan and South Sudan.

For the Horn of Africa (the countries concerned are Djibouti, Eritrea, Ethiopia, Kenya, Somalia and Uganda), EUR 30 million will be granted for humanitarian and food aid respectively, whereas for Sudan and South Sudan EUR 25 million will be allocated to humanitarian aid and EUR 15 to food aid.

These resources come in addition to EUR 64 million already committed from the EU budget in humanitarian assistance for the Horn of Africa and EUR 27.8 million made available from remaining funds under the European Development Fund. For Sudan and South Sudan, EUR 100 million in humanitarian assistance has been provided up to now.

Additional resources for EU actions in the field of migration

The Council adopted its position on draft amending budget no 4 for 2011¹, approving the mobilisation of an additional EUR 52.2 million in commitments and EUR 43.9 million in payments for the management of migration flows, supporting member states affected by the high migratory pressure due to recent developments in the Southern Mediterranean.

EUR 22.2 million in commitments and EUR 19.9 million in payments will be used to reinforce the EU's External Borders Fund, the European Return Fund and the European Refugee Fund to finance transnational actions in emergency situations.

EUR 30 million in commitments and EUR 24 million in payments will be allocated to Frontex, the EU's border security agency, in order to strengthen its maritime surveillance capability. The commitments will be covered by redeployment of EUR 11.1 million and by drawing EUR 41.1 million from the margin under budget sub-heading 3a (freedom, security and justice), which currently stands at EUR 67 million.

¹ The Austrian and the Dutch delegations voted against, the German and the Swedish delegations abstained.

By adopting its position on draft amending budget no 4 for 2011, the Council also approved a reduction in the payments for energy projects under the European Economic Recovery Plan by EUR 352 million, following delays in payment schedules and the revision of forecasts of traditional own resources, as well as of value-added tax (VAT) and gross national income (GNI) bases.

European External Action Service - European Data Protection Supervisor

The Council adopted its position on draft amending budget no 5 for 2011, approving modifications to the establishment plans of the European External Action Service and the European Data Protection Supervisor. These modifications do not lead to any additional budgetary requests for 2011.

ECONOMIC AND FINANCIAL AFFAIRS

External auditors of the central bank of Austria

The Council adopted a decision approving the appointment of TPA Horwath Wirtschaftsprüfung GmbH and Ernst & Young Wirtschaftsprüfungsgesellschaft m.b.H. as external auditors of the Oesterreichische Nationalbank for 2011, with the possibility of renewal on an annual basis, not exceeding a total term of five years.

TRADE POLICY

Negotiations on investment: Canada - India - Singapore

The Council authorised the Commission, on behalf of the EU, to open negotiations on investment with Canada, India and Singapore within the framework of the ongoing bilateral negotiations with these countries on trade liberalisation.

International rubber study group

The Council authorised the signing on behalf of the EU and provisional application of an amended constitution and rules of procedure of the international rubber study group.

The IRSG is an intergovernmental organisation for the discussion of matters affecting the supply of and demand for natural and synthetic rubber.

Anti-dumping - Ceramic tiles - China

The Council adopted a regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in China ([13470/11](#)).

ENERGY**Trans-Caspian Pipeline System**

The Council adopted a decision authorising the Commission to negotiate an agreement with Azerbaijan and Turkmenistan on a legal framework for a Trans-Caspian (natural gas) Pipeline System.

The establishment of a legal framework is part of the response to a call by the European Council last February for the development of strategic corridors for the transport of large volumes of gas to the European market.

TRANSPORT**"Eurovignette"***

The Council adopted¹, on the basis of a text agreed with the European Parliament in second reading, a directive revising the so-called Eurovignette directive of 1999 on road use charges for heavy goods vehicles ([24/11](#) + [13134/11 ADD 1](#)).

The directive is aimed at reducing pollution from road freight transport and making traffic flow smoother by levying tolls that factor-in the cost of air and noise pollution due to traffic (so-called external costs) and help reduce road congestion. To this end, member states may apply an "external cost charge" on lorries, complementing the existing infrastructure charges; they may also vary the infrastructure charge to take account of road congestion.

The level of tolls will vary depending on vehicle emissions, the distance travelled and the location and time of road use. Such differentiated charging is intended to encourage a move to transport patterns that are more respectful of the environment.

For details, see press release [13915/11](#).

INTELLECTUAL PROPERTY**Protection of music recordings**

The Council adopted a directive² extending from 50 to 70 years the term of protection of the rights of performers and phonogram producers over music recordings ([16/11](#) + [10568/11 ADD 1](#)).

For details, see press release [13972/11](#).

¹ The Spanish and Italian delegations voted against, the Irish, Netherlands and Portuguese delegations abstained.

² The Belgian, Czech, Luxembourg, Netherlands, Romanian, Slovak, Slovenian and Swedish delegations voted against, and the Austrian and Estonian delegations abstained.

COMPANY LAW

Reporting rules for micro-enterprises

The Council adopted, in accordance with a political agreement reached on 30 May, its first reading position¹ on a draft directive aimed at allowing member states to exempt very small enterprises (also known as "micro-entities") from accounting and financial reporting obligations ([10765/11](#) and [10765/11 ADD1](#)).

The Council's position will now be forwarded to the European Parliament for a second reading.

The general aim of the draft directive is to reduce administrative burdens for very small companies. Its main features include:

- *Definition of micro-entities to which a lighter accounting regime would apply.*

The draft directive provides that, in order to qualify as a "micro-entity", a company must not exceed the limits of two of the following three criteria on its balance sheet: a balance sheet total of EUR 250,000, a net turnover of EUR 500,000 and an average of ten employees during the financial year in question.

- *Exemption from publication of annual accounts.*

The draft directive would allow member states to exempt micro-entities from the publication of annual accounts in accordance with directive 78/660/EEC. This optional exemption would be compatible with national obligations to keep records showing the company's business transactions and financial situation.

¹ The German ([13133/11 ADD1](#)) and Portuguese delegations abstained from voting.

EMPLOYMENT

European Globalisation Adjustment Fund - Netherlands

The Council adopted four decisions mobilising a total of EUR 5.88 million under the European globalisation adjustment fund in support of workers made redundant in the printing and reproduction sector in various regions of the Netherlands.

The support comes in response to a decline in demand for printed media material as a consequence of the global economic crisis. EUR 2.65 million is mobilised for redundant workers in South-Holland and Utrecht, EUR 1.85 million for North-Holland and Flevoland, and EUR 0.7 million respectively for redundant workers in Overijssel and in North-Brabant.

AGRICULTURE

Preventive measures for zoonotic disease - Extension of period for raising objections

The Council decided to extend by two months, until 14 November, the period for raising objections to a draft Commission regulation on alveolar echinococcosis, a rare zoonotic disease.

Alveolar echinococcosis is considered one of the most severe human parasitic diseases in non-tropical areas. It is caused by the larval stages of the tapeworm *Echinococcus multilocularis* (*EM*) whose definitive host is usually the red fox, while arvicolid rodents act as intermediate hosts.

The increasing urbanisation of fox populations in many European cities is of particular concern not only because humans may accidentally become infected by ingesting fruit and vegetables contaminated with eggs excreted by infected foxes, but first and foremost because infected urban foxes may establish a transmission cycle close to humans and dogs.

The draft Commission regulation lays down preventive health measures for the control of *EM* infection in dogs.

The draft regulation is a delegated act within the meaning of article 290 of the Treaty on the Functioning of the EU (TFEU) and supplements regulation 998/2003 on the animal health requirements for the non-commercial movement of pet animals. In line with the TFEU the Council and the European Parliament included in regulation 998/2003 the right for the two of them to object to a delegated act supplementing or amending the regulation within a period of two months from notification. Delegated acts cover roughly the same type of measures as previously adopted under the "regulatory procedure with scrutiny". It should be pointed out that under article 290 there is no committee involved in the adoption of delegated acts (unlike acts adopted under committee procedure rules).

DECISIONS TAKEN BY WRITTEN PROCEDURE

Anti-dumping and countervailing measures

– *polyethylene terephthalate - India*

On 12 August, the Council adopted a regulation terminating the partial reopening of the anti-dumping interim review investigation concerning imports of polyethylene terephthalate (PET) film originating in India ([13197/11](#))

On 1 September, the Council adopted a regulation terminating a partial interim review concerning the anti-dumping measures on imports of certain PET originating in India, without amending the measures in force ([13443/11](#)).

On 2 September, the Council adopted a regulation amending regulation 193/2007 imposing a definitive countervailing duty on imports of PET originating in India, and amending regulation 192/2007 imposing a definitive anti-dumping duty on imports of certain PET originating in, inter alia, India ([13434/11](#)).

– *barium carbonate - China*

On 16 August, the Council adopted a regulation imposing a definitive anti-dumping duty on imports of barium carbonate originating in China following an expiry review pursuant to regulation 1225/2009 ([13106/11](#)).

– *castings - China*

On 26 August, the Council adopted a regulation terminating the review of the anti-dumping measures concerning imports of certain castings originating in China and repealing those measures ([13377/11](#)).

– *yarn of polyesters - China, Korea and Taiwan*

On 6 September, the Council adopted a regulation amending regulation 1105/2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of high tenacity yarn of polyesters originating in China, and terminating the proceeding concerning imports of high tenacity yarn of polyesters originating in the Republic of Korea and Taiwan ([13456/11](#)).

Public access to documents - EU archives

On 28 July, the Council approved replies to :

- confirmatory application No 17/c/01/11 ([11940/1/11 REV 1](#)), the Danish, Estonian, Finnish and Swedish delegations voting against;
- confirmatory application No 18/c/01/11 ([12450/11](#) + [COR 1](#)), the Swedish delegation voting against; and
- confirmatory application No 19/c/01/11) ([12525/11](#)).

The Council also approved a framework partnership agreement for the deposit of EU historical archives at the European University Institute in Florence ([12847/11](#))

DECISIONS TAKEN BY THE REPRESENTATIVES OF THE MEMBER STATES**Appointment of judges at the Court of Justice and the General Court**

On 8 September, the representatives of the governments of the member states appointed:

- Mr Carl Gustav Fernlund as a new member of the Court of Justice for a term of office expiring on 6 October 2012;
- Ms Mariyana Kancheva as a new member of the General Court (the former Court of First Instance) for a term of office expiring on 31 August 2013.

The Court of Justice is composed of 27 judges appointed by common accord of the governments of the member states. They are appointed for a term of office of six years, renewable. A judge who replaces a member of the Court whose term of office has not expired is appointed for the remainder of his predecessor's term. The judges elect the Court's president from amongst their number for a renewable term of three years

The General Court is made up of at least one judge from each member state. Judges are appointed for a term of office of six years, renewable. In the event of a judge being replaced during the course of his/her term of office, a successor is appointed for the remainder of the six-year-period. The judges appoint a president from amongst their number for a period of three years.
