



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 February 2012

**17577/11
ADD 1**

PV/CONS	72
TRANS	330
TELECOM	188
ENER	381

ADDENDUM to DRAFT MINUTES

Subject: **3127th MEETING OF THE COUNCIL OF THE EUROPEAN UNION
(TRANSPORT, TELECOMMUNICATIONS AND ENERGY), held in
Brussels on 24 November 2011**

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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 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

- a) adoption of the position of the Council in first reading
- b) adoption of the statement of the Council reasons

13036/11 MIGR 130 SOC 660 CODEC 1240

+ REV 2

+ ADD 1

16170/11 CODEC 1841 MIGR 167 SOC 927 OC 18

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and the United Kingdom delegations did not participate in the vote. (Legal basis: Article 114 of the TFEU).

2. Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Spain, the Republic of Estonia, the French Republic, the Republic of Hungary, the Italian Republic, the Republic of Poland, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the European protection order

- (a) Adoption of the Council's position at first reading
- (b) Adoption of the statement of the Council's reasons

15571/11 REV 1 COPEN 272 CODEC 1695

+ REV 1 ADD 1

16613/11 CODEC 1941 COPEN 311 JUSTCIV 307 OC 19

+ ADD 1

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and the United Kingdom delegations did not participate in the vote. (Legal basis: Article 114 of the TFEU).

Statement by the Council on the comprehensive approach to the question of recognition of protection measures

"The Council welcomes the adoption of the Directive of the European Parliament and of the Council on the European protection order, as an important instrument of the protection of the victims of crime in the European Union.

Considering the fact that this Directive is focused on protection measures taken in criminal matters, and given the different legal traditions in the Member States in this field, the Council is aware that this instrument will have to be complemented in the future by a similar mechanism for mutual recognition of protection measures taken in civil matters.

In this respect, the Council recalls that the proposal presented by the Commission on 18 May 2011 for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters is currently under examination in the preparatory bodies of the Council.

In line with its Resolution of 10 June 2011 on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings (see Measure "C"), the Council commits itself to continuing the examination of this proposal as a matter of priority. It also commits itself to ensure that this instrument will complement the provisions of the Directive on the European protection order, so that the combined scope of application of the two instruments enables the cooperation among the Member States, irrespective of the nature of their national systems, with respect to the highest possible number of protection measures for victims."

3. Proposal for a Regulation of the European Parliament and of the Council on amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process

PE-CONS 47/11 COWEB 177 WTO 294 AGRI 563 UD 206 TDC 16
CODEC 1345

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).

Statement by the Council

"The references to Kosovo in this Regulation of the European Parliament and of the Council on amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process are without prejudice to Member States' positions on status."

Joint Declaration by the European Parliament, the Council and the European Commission concerning the choice of procedures for the adoption of implementing acts

"The European Parliament, the Council and the European Commission declare that the choice of procedures for the adoption of implementing acts as regards this proposal is without prejudice to, and does not set a precedent for, the choice of procedures in future proposals."

4. **Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast)**

PE-CONS 50/11 ASILE 73 CODEC 1397

+ REV 1 (es)

+ REV 2 (de)

The Council approved the amendments set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the Maltese delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and the United Kingdom delegations did not participate in the vote. (Legal basis: points (a) and (b) of Article 78(2) of the TFEU).

Joint Political Declaration by the European Parliament, the Council and the Commission on explanatory documents

"The institutions acknowledge that the information Member States supply to the Commission as regards the transposition of directives in national law "*must be clear and precise*"¹, in order to facilitate the achievement by the Commission of its task of overseeing the application of Union law. Against this background, the European Parliament and the Council welcome the Joint Political Declaration of Member States and the Commission on explanatory documents.

Consequently, where the need for, and the proportionality of, the transmission of such documents is justified in accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents, the Institutions agree to include the following recital in the directive concerned:

"In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of [date], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified."

By 1 November 2013, the Commission will report to the European Parliament and to the Council on the implementation of the two Joint Political Declarations on explanatory documents.

The Institutions undertake to apply these principles as from 1 November 2011 to new and pending directive proposals, with the exception of those on which the European Parliament and the Council have already reached an agreement."

¹ See Judgment of the Court of Justice of 16 July 2009 in case C-427/07, point 107, and the case-law cited therein.

Joint Political Declaration by Member States and the Commission on explanatory documents

"Pursuant to Article 288 TFEU, *"A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods"*.

Member States and the Commission recognise that the effective implementation of Union law is a prerequisite for achieving the policy objectives of the Union and that, whilst the responsibility for such implementation lies primarily with Member States, it is a matter of common interest since it aims, inter alia, to create a level playing field in all Member States.

Member States and the Commission acknowledge that the correct and timely transposition of Union directives is a legal obligation. They note that the Treaties entrust the Commission with the task of overseeing the application of Union law under the supervision of the Court of Justice and share the common understanding that the notification of transposition measures should facilitate the achievement by the Commission of this task.

In this context, Member States acknowledge that the information they supply to the Commission as regards the transposition of directives in national law *"must be clear and precise"* and *"must indicate unequivocally the laws, regulations and administrative provisions"*, or any other provisions of national law, as well as, where relevant, the jurisprudence of national courts, by means of which the Member States consider that they have satisfied the various requirements imposed on them by the directive¹.

In order to improve the quality of information on the transposition of Union directives, where the Commission considers that documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments are required, it shall justify on a case by case basis, when submitting the relevant proposals, the need for, and the proportionality of, providing such documents, taking into account, in particular and respectively, the complexity of the directive and of its transposition, as well as the possible additional administrative burden.

In justified cases, Member States undertake to accompany the notification of transposition measures with one or more explanatory documents, which can take the form of correlation tables or other documents serving the same purpose."

¹ See Judgment of the Court of Justice of 16 July 2009 in case C-427/07, point 107, and the case-law cited therein.

Declaration by Malta

"Malta:

Regrets that the Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast), will render heavier the pressure that Malta is under. The approximation of the rights of beneficiaries of subsidiary protection with those of refugees in the areas of health care and access to employment will impose a further burden on Malta, due to the disproportionate number of beneficiaries of subsidiary protection present on the island.

Augurs that the other instruments to be adopted in the context of the Common European Asylum System give due importance to the different asylum situation in the Member States and avoid imposing additional obligations that will have the heaviest impact on those Member States already carrying disproportionate asylum responsibility, in order to ensure that the Common European Asylum System is a sustainable one.

Reiterates its call for further solidarity through the intra-EU relocation of beneficiaries of international protection from Malta, as an effective means of addressing the disproportionate pressure Malta faces due to the number of beneficiaries of international protection in Malta, thereby also reducing the impact that this recast Directive will have on Malta's asylum system."

5. Proposal for a Regulation of the European Parliament and of the Council establishing a Programme to support the further development of an Integrated Maritime Policy
PE-CONS 55/11 POLGEN 147 POLMAR 9 PESC 1216 COSDP 916
AGRI 650 TRANS 256 JAI 700 ENV 732 PECHE 265
CODEC 1582

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 43(2), Article 91(1), Article 100(2), Article 173(3), Articles 175 and 188, Article 192(1), Article 194(2) and Article 195(2) of the TFEU).

Joint Statement by the European Parliament and the Council

"The European Parliament and the Council do not exclude the possibility of providing for delegated acts in future Programmes beyond 2013 on the basis of relevant Commission proposals."

Joint Statement by the European Parliament, the Council and the Commission

"Pursuant to Article X, the financial envelope for the implementation of the Programme to support the further development of the IMP for 2011-13 is €40 million. This envelope is to be composed of €23.14 million drawn from the 2011 budget without calling on the available margin of Heading 2 of the Multi Annual Financial Framework, an amount of €16.66 million, including an allocation for technical assistance, entered in the draft budget and accepted by Council during its reading of the 2012 budget and a further amount of €200,000 for technical assistance to be entered in the 2013 budget.

Towards this end, the 2011 budget would need to be amended to create the necessary nomenclature and enter the appropriations in the reserve. The adopted budgets for 2012 and 2013 would need to include the relevant amounts for those years."

AGENDA ITEMS

3. Proposal for a Directive of the European Parliament and of the Council on Energy Efficiency and amending and subsequently repealing Directives 2004/8/EC and 2006/32/EC

- Progress report
12046/11 ENER 256 ENV 582 TRANS 201 ECOFIN 454 RECH 252
CODEC 1102
- 16165/11 ENER 343 ENV 832 TRANS 290 ECOFIN 729 RECH 351 CODEC 1840

The Council took note of the progress report set out in doc. 16165/11.

4. Proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC

- Presentation by the Commission
- First exchange of views
15813/11 ENER 330 CADREFIN 103 CODEC 1749
16148/11 ENER 342 CADREFIN 116 CODEC 1834

Following Commissioner Oettinger's presentation of the proposal the Council held a first exchange of views on the basis of two questions set out in doc. 16148/11.

5. Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities

- Presentation by the Commission
16175/11 ENER 344 ENV 833 MARE 1 COMAR 1 PROCIV 144 CODEC 1871

The Council was informed on the main elements of the above proposed Regulation.

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