



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 September 2012

**11893/12
ADD 1**

PV CONS 41

ADDENDUM to DRAFT MINUTES

Subject: **3180th** meeting of the Council of the European Union (**GENERAL AFFAIRS**)
held in Luxembourg on 26 June 2012

PUBLIC DELIBERATION ITEMS¹

Page

"A" ITEMS list (doc. 11665/12 PTS A 63 + ADD 1)

Item 1.	Regulation of the European Parliament and of the Council concerning the export and import of hazardous chemicals (Recast) [First reading] (LA+ S).....	4
Item 2.	Regulation of the European Parliament and of the Council on the issuance of euro coins [First reading] (LA)	5
Item 3.	Directive of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC [First reading] (LA + S)	5
Item 4.	Decision of the European Parliament and of the Council on amendments to the Agreement Establishing the European Bank for Reconstruction and Development (EBRD) extending the geographic scope of EBRD operations to the Southern and Eastern Mediterranean [First reading] (LA)	6
Item 5	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council [First reading] (LA)	6
Item 6.	(a) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and deleting the provisions on voluntary beef labelling [First reading] (LA) (b) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States [First reading] (LA)	7
Item 7.	Proposal for a Regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries [First reading]	7

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).

Item 8.	a)	Proposal for a Regulation of the European Parliament and of the Council on European Venture Capital Funds (EuVECA) [First reading] (LA)	
	b)	Proposal for a Regulation of the European Parliament and of the Council on European Social Entrepreneurship Funds (EuSEF) [First reading] (LA).....	8

AGENDA ITEMS list (doc. 11664/1/12 REV 1 OJ CONS 41)

Item 3.	Cohesion policy legislative package [First Reading].....	8
Item 4.	New Multiannual Financial Framework	8

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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 concerning the export and import of hazardous chemicals (Recast) [First reading] (LA+ S)

PE-CONS 12/12 ENV 183 WTO 83 MI 161 CODEC 577 OC 117

+ REV 1 (hu)

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the abstention of the Irish Delegation, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 192(1) and Article 207 of the TFEU).

Declaration by the European Commission

"The Commission observes that the title of Article 5 refers to the "Participation of the Union in the Convention", whereas paragraph 1 speaks more broadly of "participation in the Convention" which shall be a "joint responsibility of the Commission and the Member States". It recalls that the Commission represents the Union under Article 17 (1) TEU in areas that are not falling under the common foreign and security policy. Accordingly, the Commission considers that the "joint responsibility of the Commission and the Member States" mentioned in Article 5 (1) does not refer to the representation of the Union, as could possibly be derived from the title. Rather, Article 5 (1) must be interpreted in the light of the division of competences between the Union and the Member States established by the Treaties."

Statement by Ireland

"Ireland considers that the export waiver provisions in article 14.7 fail to strike the necessary balance between environment and health on the one hand, and competitiveness and trade on the other. This was an important issue identified by several parties in earlier consultations as requiring attention in the recast negotiations. Ireland feels that these provisions as now proposed for adoption will continue to effectively prevent EU producers from exporting specific Annex 1, Part 2 chemicals to third countries for limited specific applications while the use of the same chemicals for the same purpose is still allowed in the EU. The likely consequence of this restriction is that the supply of relevant chemicals to third countries will instead be provided by non-EU producers, with negative consequences for EU producers and, potentially, employment at a time when particularly difficult economic circumstances prevail in the EU.

Ireland regrets that an alternative more balanced solution was not adopted in the final text which would still maintain the environmental ambition of the Regulation without undermining the aims and objectives of the Rotterdam Convention."

2. **Regulation of the European Parliament and of the Council on the issuance of euro coins**
[First reading] (LA)
PE-CONS 23/12 ECOFIN 361 UEM 79 CODEC 1092 OC 205
+ REV 1 (fi)

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 133 of the TFEU).

3. **Directive of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC** [First reading] (LA + S)
PE-CONS 22/1/12 REV 1 ENV 291 IND 74 PROCIV 55 CODEC 1009 OC 206

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 192(1) of the TFEU).

Statement by the Commission
on acute toxic, category 3, dermal exposure route (seveso - part 1 of annex i)

"The Commission acknowledges that the compromise reached on the proposal represents an improvement in the level of protection of human health and safety and of the environment over that afforded by the Seveso II Directive 96/82/EC.

The Commission intends to continue its analysis of the probability, risks and potential consequences of major accidents involving dangerous substances classified as acute toxic category 3, dermal exposure route. Depending on the results of its analysis, the Commission may submit a legislative proposal to include this category in the scope of the Directive."

Statement by Germany

"Germany considers that point (b) of Article 23 of the compromise text of the Seveso III Directive contains a provision which goes beyond what is necessary. The access to justice sought could also have been achieved by the compromise text for Article 23 proposed by Germany. The procedure laid down in Article 11 of Directive 2011/92/EU would thus have remained limited to those cases under Article 15(1) of the Seveso III Directive that also come within the scope of Directive 2011/92/EU or Directive 2010/75/EU. The procedural options under Article 9(3) of the Aarhus Convention would have been open to the other cases under Article 15(1) of the Seveso III Directive, thus maintaining the status quo.

The requirement pursuant to point (b) of Article 23 of the Seveso III Directive requires substantial changes to the laws currently in force in Germany and therefore gives rise to serious doubts. The inclusion of all dangerous substances in acute toxic category 3 (inhalation) in Section H2, Part 1 of Annex I to the Directive also continues to raise serious doubts.

However, Germany is aware that the present compromise text contains marked improvements to the original Commission proposal in many other respects.

Germany is therefore willing to set aside its doubts regarding Article 23 and Section H2, Part 1 of Annex I for the sake of a rapid agreement at first reading."

Statement by the United Kingdom

"The UK attaches importance to effective Parliamentary scrutiny of all proposed EU legislation and for sufficient time to be available for this purpose. Exceptionally, the UK is happy to support adoption of the Seveso III Directive, notwithstanding the fact that our scrutiny processes have not been completed on this measure."

4. Decision of the European Parliament and of the Council on amendments to the Agreement Establishing the European Bank for Reconstruction and Development (EBRD) extending the geographic scope of EBRD operations to the Southern and Eastern Mediterranean [First reading] (LA)

PE-CONS 24/12 ECOFIN 378 FIN 308 MED 22 CODEC 1140 OC 222

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 212 of the TFEU).

5. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council [First reading] (LA)

- General approach
11433/12 TRANS 211 CODEC 1680
+ ADD 1
approved by Coreper, Part 1, on 19.06.2012

The Council agreed on a general approach. The Commission made a statement.

Statement by the Commission **on the Tachograph proposal**

"The Commission considers that the general approach does not offer sufficient guarantees to prevent fraud and misuse of the tachograph system since:

- The date foreseen to introduce the 'smart tachographs' is too late compared with the initial Commission's proposal (in Articles 4, 5 and 6)
- The Council deleted Article 27 on the merging of driver cards without offering long term alternatives to personalise the cards and reduce the misuse of cards
- The new Article 21 (7a) introduced by the Council allows the issuance of cards to drivers who reside in territories of Member States where the Treaties do not apply, without sufficient legal guarantees that these drivers will respect the Regulation.

These weaknesses undermine one of the main the goals of the initial Commission's proposal, which was to increase the security of the tachograph system and reduce the number of frauds.

The Commission calls on the Council and the European Parliament to further discuss the abovementioned issues and find appropriate solutions during the next steps of the ordinary legislative procedure."

6. (a) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and deleting the provisions on voluntary beef labelling** [First reading] (LA)
- (b) **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States** [First reading] (LA)
- Progress report
10689/12 AGRILEG 78 VETER 45 CODEC 1659
+ COR 1
approved by Coreper, Part 1, on 19.06.2012

The Council took note of a a report highlighting the progress achieved on the two draft proposals.

7. **Proposal for a Regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries** [First reading]
- Political agreement
10892/12 WTO 216 FDI 17 CODEC 1557
approved by Coreper, Part 2, on 21.06.2012

The Council confirmed the political agreement on the draft regulation reached during the triloguenegotiations

8. a) **Proposal for a Regulation of the European Parliament and of the Council on European Venture Capital Funds (EuVECA)** [First reading] (LA)
- b) **Proposal for a Regulation of the European Parliament and of the Council on European Social Entrepreneurship Funds (EuSEF)** [First reading] (LA)
 - General approach
11760/1/12 REV 1 EF 150 ECOFIN 633 COMPET 461 IND 112 SOC 602
CODEC 1747
approved by Coreper, Part 1, on 26.06.2012

The Council agreed on a general approach on the two draft regulations.

AGENDA ITEMS

3. **Cohesion policy legislative package** [First Reading]
 - Elements of a partial general approach
11027/1/12 REV 1 FSTR 53 FC 32 REGIO 85 SOC 538 AGRISTR 83
PECHE 212 CADREFIN 297 CODEC 1583
+ ADD 1 REV 1 to ADD 4 REV 1
+ ADD 5

The Council

- reached an agreement, subject to the principle that "nothing is agreed until everything is agreed", on the following elements for a partial general approach concerning:
 - a) thematic concentration, as set out in ADD 1 REV 2 to doc. 11027/1/12 REV 1;
 - b) financial instruments, as set out in ADD 2 REV 1;
 - c) net revenue generating operations and public private partnerships, as set out in ADD 3 REV 1 and
 - d) the performance framework, as set out in ADD 4 REV 1.
- decided to enter into its minutes the statements set out in Addendum 5 REV 2 to doc. 11027/1/12 REV 1.

4. **New Multiannual Financial Framework**
 - Orientation debate / certain issues
11826/12 CADREFIN 333 POLGEN 120
11539/12 CADREFIN 322 POLGEN 115

In the context of discussion on the future multiannual financial framework, the Council had the last exchange of views on the Negotiating Box under the Danish Presidency.

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