



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 May 2012

**7413/12
ADD 1**

**PV CONS 12
JAI 153
COMIX 158**

ADDENDUM to DRAFT MINUTES

Subject: **3151st meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Brussels on 8 March 2012**

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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 Council Regulation on the electronic publication of the Official Journal of the European Union

- Request for the consent of the European Parliament
6828/12 JURINFO 12 INF 26 JUR 101
10222/5/11 REV 5 JURINFO 34 INF 76 JUR 238

The Council confirmed that there is a general agreement on the text of the proposed Regulation, and decided to transmit to the European Parliament the draft text of the Regulation in order to obtain its consent in accordance with Article 352 TFEU.

2. Proposal for a Decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC [First reading] (LA+S)

- Adoption
 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons
6444/12 ASILE 26 CADREFIN 84 CODEC 368 OC 62
 - + COR 1 (fi)
 - + COR 2 (de)
 - + REV 1 (lt)
 - + ADD 1
 - + ADD 1 COR 1
 - + ADD 1 COR 2
 - + ADD 1 COR 3
- 6977/12 CODEC 498 ASILE 35 CADREFIN 113 OC 92
 - + ADD 1

The Council approved its position at first reading, with the United Kingdom delegation voting against, pursuant to 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 and Irish delegations did not participate in the vote. (Legal basis: Article 78(2)(g) of the TFEU).

Statement by the Commission

"The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, supports the final text; however it notes that this is without prejudice to its right of initiative with regard to the choice of legal bases, in particular in reference to the future use of Article 80 TFEU".

Statement by the Council

"The Council states that the present decision is without prejudice to the negotiations on the Multiannual Financial Framework for 2014-2020 and consequently also for the negotiations on the "Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund" for the period 2014-2020 (COM(2011) 751), including whether specific common EU resettlement priorities, based inter alia on geographical criteria, shall be stipulated in the Regulation on the Asylum and Migration Fund for 2014-2020".

3. Regulation of the European Parliament and of the Council implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition

PE-CONS 41/11 UD 187 ENFOCUSTOM 77 CRIMORG 108 COARM 128
CODEC 1219 OC 104

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 Danish delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU).

Statement by Germany, Czech Republic, Denmark, Ireland and the Netherlands regarding the practical implementation of Article 11(2) and (3) of the Regulation

"When carrying out the obligation in Article 11(2) of the Regulation to notify the competent authorities of the other Member States on refusals, annulments, suspensions, modifications or revocations concerning export authorisations and when making use of the possibility in Article 11(3) of the Regulation to consult the competent authorities of the other Member States which have issued refusals, annulments, suspensions, modifications or revocations Germany, the Netherlands, Czech Republic, Ireland and Denmark will use the existing communication channel already used for exchange of information pursuant to Article 4(1) of the Council Common Position 2008/944/CFSP (COREU)."

4. Directive of the European Parliament and of the Council amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption

PE-CONS 74/11 DENLEG 155 SAN 269 AGRI 854 CODEC 2360 OC 117

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 German delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) of the TFEU).

German declaration

"For Germany, appropriate provisions for fruit juices are of particular importance. However, some of the proposed provisions amending Directive 2001/112/EC would lead to a decisively less restrictive EU legislation and would involve a deterioration of the quality of the affected products, and thus potentially misleading consumers as concerns the quality standard.

This is especially relevant as regards the proposed changes relating to restoration of natural fruit flavour of fruit juice (directly obtained from the fruits, not from concentrate) and fruit juice from concentrate.

- According to the existing EU-law, only the fruit flavour temporarily lost during processing of the fruit juice may be restored to the same juice at the end of the production process. The proposed less restrictive approach, i.e. permitting also the addition of flavour obtained during other production processes and a more or less unrestricted addition of flavour, does not correspond to consumer expectations as regards fruit juice.
- In addition, the proposed changes towards a voluntary instead of a mandatory flavour restoration of fruit juice from concentrate as required under existing EU-law also induce a deterioration of the quality of the products and misleading of consumers. This is especially relevant as regards fruit juice from concentrate containing several fruits (,several fruits juice') since according to the proposed changes, flavour of a high quality fruit contributing essentially to the taste of the final product, does not need to be restored any longer. Consumers may rightly expect that a ,several fruits juice' contains natural fruit flavour from all of the fruits used for the production of the respective fruit juice from concentrates.

A deterioration of the quality of fruit juices from concentrate is also connected with the lowering of the requirements concerning water used for restoration. According to the existing EU-law, drinking water would not be sufficient in general taking into account the high quality standards as regards the production of fruit juice from concentrate. In fact, using drinking water could result in an unintended accumulation of e. g. sodium or nitrate.

Concerning the amendment of Directive 2011/112/EC, Germany would have favoured very much a more quality- and consumer related approach. Therefore, Germany is not in a position to agree to the compromise text amending Directive 2001/112/EC as proposed due to the remaining concerns."

Joint declaration from the United Kingdom, Italy, France, Greece, Spain and Portugal

"The UK, Italy, France, Greece, Spain and Portugal express their concern about the potential wider impact of the provision on Annex I, chapter II, point 2, fifth indent, second paragraph of the present Directive. They underline that such a provision should not be used in the future for other food categories from Regulation 1924/2006. They will examine any future proposal by the Commission on the use of the claim "no added sugar" in the context of Regulation 1924/2006 and with the aim to avoid any inconsistencies with other relevant pieces of EU legislation."

5. Proposal for a Directive of the European Parliament and of the Council establishing a single European railway area (Recast)

- Adoption
 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons
 - 6804/12 CODEC 461 TRANS 54 OC 79
 - + ADD 1 REV 1
 - 18581/11 TRANS 365 CODEC 2430 OC 89
 - + COR 1
 - + COR 2 (pl)
 - + REV 1 (el)
 - + ADD 1

The Council approved its position at first reading, pursuant to Article 294(5) of the Treaty on the Functioning of the European Union, with the Luxemburg and Austrian delegations voting against and the Estonian delegation abstaining. (Legal basis: Article 78(2)(g) of the TFEU).

Statement by Austria

"In principle, Austria supports the initiative to recast the first railway package with the aim of simplifying the regulatory environment in the European railway sector. The competitiveness of rail transport as an environmentally friendly alternative to the road is of crucial importance to Austria.

However, at European level only the framework principles should be laid down for the sector and it should be left to states to organise their rail sector within the framework of the European objectives.

Any mandatory separation of bodies, beyond separate accounts and balance sheets, leads to disproportionate additional financial and organisational burdens and to disproportionate interference in railway undertakings' freedom of economic decision making, which Austria does not support.

Austria therefore rejects the wording of Article 13(3) and (6) and cannot accept the position of the Council in first reading."

AGENDA ITEMS

3. Common European Asylum System

- State of play
7010/12 ASILE 36 CODEC 505

The Council reviewed the state of play in relation to the legislative files directed to the Common European Asylum System and instructed its bodies to pursue work and to report back to Council on progress achieved.

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