



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 December 2013  
(OR. en)**

**16832/13  
ADD 1**

**PV/CONS 58  
EDUC 448  
JEUN 115  
CULT 125  
SPORT 106**

**DRAFT MINUTES**

---

Subject: **3275th** meeting of the Council of the European Union (**EDUCATION, YOUTH, CULTURE AND SPORT**), held in Brussels on 25 and 26 November 2013

---

## **PUBLIC DELIBERATION ITEMS<sup>1</sup>**

**Page**

### **LEGISLATIVE DELIBERATIONS**

#### **"A" ITEMS** (doc. 16408/13)

1. Draft Council Decision on the association of the overseas countries and territories with the European Union ("Overseas Association Decision") ..... 3

#### **"B" ITEMS** (doc. 16178/13)

9. Proposal for a Directive of the European Parliament and the Council on the return of cultural objects unlawfully removed from the territory of a Member State (recast) [First reading] ..... 4

### **NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES**

6. Open educational resources and digital learning ..... 4
8. Future EU Work Plan for Youth ..... 5
11. Connected Citizens: changing behaviour of viewers in the converged media environment ..... 5
14. Good governance in sport ..... 6

\*

\* \*

---

<sup>1</sup> 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)*

### **1. Council Decision on the association of the overseas countries and territories with the European Union ("Overseas Association Decision")**

14907/13 PTOM 35 ACP 162 FNI 646 RELEX 927

The Council adopted the above decision (Legal basis: Article 207 of the Treaty on the Functioning of the European Union).

#### **Statement by the Commission**

"The Commission regrets the lack of agreement in the Council as regards the inclusion of the proposed Article 47 on Management of Administrative Errors in the Council Decision.

The purpose of that Article was to explicitly confirm in the Decision that in case of error by the competent OCT authorities in the issuance of certificates and methods of administrative cooperation, and where this error leads to losses affecting Union import duties, the Member State with whom the OCT that has committed the error has special relations, shall compensate the Union budget for the loss incurred.

The Commission considers that the financial burden of such losses incurred is not to be borne by the Union budget and thus by all other Member States.

The Commission recalls that, according to Article 4(3) of TEU, Member States shall take all appropriate measures to ensure fulfilment of the obligations arising from the Treaties. One of those obligations relates to Article 29 of TFEU which stipulates that customs duties which are payable should be levied. A Member State's refusal to compensate the loss of funds which should have been collected and made available hinders the proper functioning of the Union's own resources system thus disrupting the financial equilibrium of the Union. Member States should protect Union's financial interests and assume the financial responsibility resulting from their special relationship with their OCTs listed in Annex II of TFEU.

Although the proposed Article is therefore not to be included in the Decision, the Commission considers that its content is in accordance with the Member States' already existing obligations under the Treaties. The Commission is applying this legal approach in current cases of losses incurred in case of errors by the competent OCT authorities and will continue to apply it in future cases."

#### **Statement by Denmark**

"Denmark, the Netherlands and the United Kingdom note the proposals made by the Commission for an article concerning the Management of Administrative Errors to be included in the Council Decision on the association of the overseas countries and territories with the European Union.

The Commission had proposed that the Member State with whom an OCT has a special relation, should compensate the Union budget for the loss incurred in case the OCT has committed an error. This proposal was not included in the decision for lack of agreement in the Council. Denmark, the Netherlands and the United Kingdom would like to stress that for the Member State with whom an OCT has a special relationship there is no general legal obligation for the Member State to compensate the Union budget for losses incurred for actions for which the OCT concerned has autonomous powers."

**9. Proposal for a Directive of the European Parliament and the Council on the return of cultural objects unlawfully removed from the territory of a Member State (recast) [First reading]**

Interinstitutional file: 2013/0162 (COD)

– General approach

10471/13 CULT 70 MI 501 ENFOPOL 172 ENFOCUSTOM 103 UD 121  
CODEC 1323

16027/13 CULT 119 MI 1004 ENFOPOL 353 ENFOCUSTOM 159 UD 291  
CODEC 2524

The Council agreed a general approach on the text as contained in doc. 16027/13. The French delegation maintained a parliamentary scrutiny reservation and a reservation on Article 9 (burden of proof). The Commission maintained a general reservation on the text, pending the opinion of the European Parliament, as well as two specific reservations (establishment of an expert group and the transposition period).

**NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES**

*(in accordance with Article 8(3) of the Council's Rules of Procedure)*

**6. Open educational resources and digital learning**

– Policy debate

15591/13 EDUC 414 AUDIO 106 TELECOM 279 PI 147 RECH 494  
+ COR 1 (da)

The Council held a policy debate on the basis of the question paper prepared by the Presidency (see doc. 15591/13), in the presence of two external guest speakers:

- Ms Uschi SCHREIBER (Global Government and Public Sector Leader, Ernst and Young);
- Professor Giovanni AZZONE (Rector at the Politecnico di Milano).

Ministers recognised the need to respond to the many opportunities and challenges presented by open educational resources, although several considered it premature to adopt a joint strategy at European level. They highlighted a number of issues for consideration at political level, notably relating to quality assurance, and the recognition and accreditation of learning acquired by such means.

## 8. Future EU Work Plan for Youth

- Policy debate

15647/13 JEUN 103 EDUC 417 SOC 886 CULT 114

The Council held a policy debate on the basis of the question paper prepared by the Presidency (see doc. 15647/13).

At the conclusion of the debate, the Chair summarised that:

- the following horizontal aspects were considered particularly important: cross-sectoral cooperation, a positive youth policy vision, the relaunching of the Open Method of Coordination, a specific time table and concrete deliverables/actions, and practical implementation of current initiatives such as the Employment Package and the Youth Guarantee.
- delegations highlighted, inter alia, the following topics as priorities: youth employment and skills development, health and well-being, economic autonomy and independence, challenges relating to migration, empowerment and participation, and the social inclusion of all young people.

## 11. Connected Citizens: changing behaviour of viewers in the converged media environment

- Policy debate

15535/13 AUDIO 104 TELECOM 277

The Council held a policy debate on the basis of the background paper prepared by the Presidency (see doc. 15535/13).

The debate was introduced by Mr. Dean Donaldson, expert and researcher in converged media, who presented his views of the current and future challenges related to the regulation of connected media.

Among the issues highlighted by Ministers were:

- the difficulty of maintaining different sets of rules for traditional broadcasting and on-demand services, given the quick technological development and increasingly convergent content;
- the suitability of the 2010 Audiovisual Media Services Directive to the new digital environment;
- the challenges for regulation presented by the global character of the internet;
- the importance of promoting media literacy.

In general, Ministers considered that there are certain values that must be preserved regardless of the state of technology, such as cultural diversity, media pluralism, consumer protection, in particular protection of children, the promotion of European audiovisual works and fair competition between content providers.

#### 14. Good governance in sport

- Policy debate  
15302/13 SPORT 92

The Council held a policy debate on the basis of the question paper prepared by the Presidency (doc. 15302/13) in the presence of an external speaker, Ms Sylvia SCHENK, (Senior Advisor for Sport, Transparency International).

At the conclusion of the debate, the Chair summarised discussions noting in particular the following points highlighted by Ministers:

- good governance is a pre-condition for the autonomy and self-regulation of the sport movement;
  - transparency, audits and education about high management standards are key principles for good governance;
  - cooperation between the public sector and the sport movement, at national, EU and international levels is essential.
-