



Council of the  
European Union

Brussels, 27 September 2016  
(OR. en)

12400/16  
ADD 1

PV/CONS 43

## DRAFT MINUTES

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Subject: **3484th** meeting of the Council of the European Union  
**(GENERAL AFFAIRS)**, held in Brussels on 20 September 2016

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

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<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)*

### **"A" ITEMS**

**1. Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards the secretariat of the Supervisory Committee of the European Anti-Fraud Office (OLAF) [First reading]**

= Adoption of the legislative act  
PE-CONS 25/16 GAF 34 FIN 354 CODEC 854

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 325 TFEU and Article 106(a) EURATOM).

**2. Fourth Railway Package (market pillar) [First reading]**

- a) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail**
- b) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure**
- c) **Proposal for a Regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings**

= Political agreement  
11202/16 TRANS 299 CODEC 1059  
approved by Coreper, Part 1, on 20.07.2016

The Council reached a political agreement on the text of these Regulation proposals as set out in 11202/16 and took note of the following statements.

#### **Statement by Germany on 2.a)**

"Germany welcomes the agreement reached on the proposal for an amendment to Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road. Regarding the social provisions contained in the aforementioned Regulation (see recitals 16 and 17 in Regulation (EC) No 1370/2007 and Article 4(5) and (6) in the current version and in the version amended by the proposal including the new recital), Germany believes that in the future, after the Regulation has been amended, Member States will – as has been the case so far under existing law – be at liberty to adopt more extensive rules under national law to flesh out the European standards. This also explicitly comprises the right to make more binding rules in national law than in the Regulation governing the transfer of staff in the event of a change of operator. Germany believes that its legal opinion is vindicated by remarks made by the European Commission and the Presidency (for instance 2,581st meeting of COREPER (1) on 13 April 2016)."

### **Statement by Germany on 2.b)**

"The Federal Republic of Germany supports the compromises on the political pillar of the Fourth Railway Package, which continue to make it possible for integrated systems to exist while at the same time providing for strong and effective regulation and transparency of the financial flows.

The Federal Republic of Germany considers it important to put on record that in Article 7d, the conditions for a control of the financial transfers for, for instance, dividend payments and loans are stipulated and that recital 48 does not open up any additional rules here.

Furthermore, the Federal Republic of Germany interprets Article 7d and recital 52 as meaning that it is possible for infrastructure managers to pay revenue and dividends directly or via another legal entity within in the undertaking to the owner. The term "owner of the company" to whom the revenue referred to in Article 7d is to be forwarded is to be understood as meaning that not only the state as direct owner of the infrastructure company but also the state as ultimate owner is included."

### **3. Proposal for a Regulation of the European Parliament and of the Council on Medical devices, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009**

**and**

### **Proposal for a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices**

= Political agreement

11661/2/16 REV2 PHARM 49 SAN 307 MI 530 COMPET 448 CODEC 1151  
+ REV2 ADD 1

11662/16 PHARM 50 SAN 308 MI 531 COMPET 449 CODEC 1152  
+ COR 1

11663/16 PHARM 51 SAN 309 MI 532 COMPET 450 CODEC 1153  
approved by Coreper, Part 1, on 14.09.2016

The Council reached a political agreement on the text of these Regulation proposals as set out in 11662/16 and 11663/16 and took note of the following statement.

### **Statement by Germany**

"Germany would like to point out that the German language version requires considerable improvement to bring it in line with the English language version. Germany assumes that it will remain possible to make improvements in the course of revision by the lawyer-linguists, and that the political agreement will not impede that process."

## "B" ITEMS

### 3. **Multiannual Financial Framework (MFF) 2014-2020 Review/revision**

= Presentation by the Commission

12183/16 CADREFIN 58 POLGEN 100 FIN 552

+ COR 1

12184/16 CADREFIN 59 POLGEN 101 FIN 553

12185/16 CADREFIN 60 POLGEN 102 FIN 554

12186/16 CADREFIN 61 POLGEN 103 FIN 555

12187/16 CADREFIN 62 POLGEN 104 FIN 556 CODEC 1255 INST 365

FSTR 57 FC 48 REGIO 71 SOC 519 AGRISTR 46 PECHE 315

TRANS 344 ESPACE 37 TELECOM 162

+ ADD 1-2

The Council heard a presentation by the Commission of the Multiannual Financial Framework Review and related legislative proposals adopted on 14 September. Ministers held a preliminary exchange of views on these. The Council will revert to the package at its next session.

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