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3292nd Council meeting

General Affairs

Brussels, 11 February 2014

President **Evangelos Venizelos**
Deputy Prime Minister and Minister for Foreign Affairs

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Main results of the Council

Preparation for the March European Council

The Council examined a draft annotated agenda for the European Council meeting to be held on 20 and 21 March. The next European Council will focus on economic policy: it will conclude the first phase of the European Semester, discuss industrial competitiveness and hold a debate on the draft framework for climate and energy between 2020 and 2030. Leaders will also discuss the state of preparations for the upcoming EU-Africa summit.

Genetically modified maize

The Council could not reach a qualified majority either in favour of or against a Commission proposal to authorise the placing on the market for cultivation of the genetically modified maize 1507, which is resistant to certain insects (butterfly pests). "The Hellenic presidency commits to hold a debate on GMOs in the Environment Council", said the president of the Council, Deputy Prime Minister and Minister for Foreign Affairs of Greece, Mr. Venizelos.

In accordance with the applicable rules it is now up to the Commission to authorise the maize 1507.

Switzerland

The Council discussed the results of the recent Swiss popular vote on the initiative "against mass immigration". It underlined that the introduction of quotas on immigration by EU citizens goes against the principle of free movement of persons between the EU and Switzerland as enshrined in the bilateral agreement in place.

*Without discussion, the Council adopted the following: **appointment of Sabine Lautenschläger as vice-chair of the ECB supervisory board, CO2 emissions reduction from new light commercial vehicles and directives for the reform of public procurement.***

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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PARTICIPANTS

Belgium:

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Deputy Prime Minister and Minister for Foreign Affairs,
External Trade and European Affairs

Bulgaria:

Mr Kristian VIGENIN

Minister for Foreign Affairs

Czech Republic:

Mr Lubomír ZAORÁLEK

Minister for Foreign Affairs

Denmark:

Mr Martin LIDEGAARD

Minister for Foreign Affairs

Germany:

Mr Michael ROTH

Minister of State at the Federal Foreign Office

Estonia:

Mr Matti MAASIKAS

Permanent Representative

Ireland:

Mr Paschal DONOHOE

Minister of State for European Affairs (Departments of the
Taoiseach and Foreign Affairs and Trade)

Greece:

Mr Evangelos VENIZELOS

Mr Dimitrios KOURKOULAS

Deputy Prime Minister and Minister for Foreign Affairs
State Secretary for Foreign Affairs

Spain:

Mr Íñigo MÉNDEZ DE VIGO Y MONTOJO

State Secretary for the European Union

France:

Mr Thierry REPENTIN

Minister with responsibility for European Affairs, attached
to the Minister for Foreign Affairs

Croatia:

Ms Vesna PUSIĆ

First Deputy Prime Minister and Minister for Foreign and
European Affairs

Italy:

Mr Enzo MOAVERO MILANESI

Minister responsible for European Affairs

Cyprus:

Mr Ioannis KASOULIDES

Minister for Foreign Affairs

Latvia:

Mr Edgars RINKĒVIČS

Minister for Foreign Affairs

Lithuania:

Mr Vytautas LEŠKEVIČIUS

Deputy Minister for Foreign Affairs

Luxembourg:

Mr Jean ASSELBORN

Minister for Foreign and European Affairs, Minister for
Asylum and Immigration

Hungary:

Ms Enikő GYÓRI

State Secretary for EU Affairs, Ministry of Foreign Affairs

Malta:

Mr Louis GRECH

Deputy Prime Minister and Minister for European Affairs
and Implementation of the Electoral Manifesto

Netherlands:

Mr Frans TIMMERMANS

Minister for Foreign Affairs

Austria:

Mr Sebastian KURZ

Federal Minister for European and International Affairs

Poland:

Mr Piotr SERAFIN

State Secretary, Ministry of Foreign Affairs

Portugal:

Mr Bruno MAÇÃES

Secretary of State for European Affairs

Romania:

Mr George CIAMBA

State Secretary, Ministry of Foreign Affairs

Slovenia:

Mr Igor SENČAR

State Secretary, Ministry of Foreign Affairs

Slovakia:

Mr Peter JAVORČÍK

State Secretary at the Ministry of Foreign Affairs

Finland:

Mr Alexander STUBB

Minister for European Affairs and Foreign Trade

Sweden:

Ms Birgitta OHLSSON

Minister for EU Affairs

United Kingdom:

Mr David LIDINGTON

Minister of State for Foreign and Commonwealth Affairs

.....

Commission:

Ms Maroš ŠEFČOVIČ

Vice President

Mr Tonio BORG

Member

.....

ITEMS DEBATED

Presidency programme

The Hellenic presidency presented, in public session, its work programme for the duration of its term of office (January to June 2014) . This was followed by an exchange of views within the Council.

Preparation for the March European Council

The Council examined a draft annotated agenda for the European Council meeting to be held on 20 and 21 March 2014 ([5153/14](#)).

The spring European Council is expected to focus on:

- Growth, competitiveness and jobs; Heads of State or government are expected to conclude the first phase of the European Semester; discuss industrial competitiveness building on the Commission's recent Communication on the topic; and hold a first policy debate on a framework for climate and energy in the period from 2020 to 2030.
- External relations: leaders will look at the state of preparations for the upcoming EU-Africa summit and have an in-depth policy debate on EU-Africa relations.

The Council will hold a further discussion, on the basis of draft European Council conclusions, at its meeting on 18 March 2014

Genetically modified maize

A Commission proposal for a decision to authorise the placing on the market for cultivation of the genetically modified maize 1507, which is resistant to certain insects (butterfly pests), was presented to the Council for adoption ([16120/13](#)).

No agreement was reached either in favour of or against the authorisation.

Following the submission of an initial application for authorisation of the maize 1507, the European Food Safety Authority (EFSA) was consulted, as provided for by directive [2001/18](#). EFSA issued several favourable scientific opinions according to which the placing on the market of the maize 1507 is unlikely to have adverse effects on human and animal health or the environment.

On that basis, the European Commission drew up a proposal for authorising the maize and presented it to a regulatory committee (the Standing Committee on the Food Chain and Animal Health, SCoFCAH). At its meeting in February 2009, SCoFCAH was unable to reach the qualified majority necessary to deliver an opinion for or against the authorisation proposed by the Commission. In the absence of an opinion, it was up to the Council to act on the Commission proposal within a three-month period (running from 12 November 2013).

Now that the Council has been unable to reach a qualified majority neither for nor against the proposal, it is up to the Commission to authorise the maize 1507.

Any other business

Switzerland

The Council had a discussion on the results of the recent Swiss popular vote on the initiative “against mass immigration”. Ministers were updated by the Presidency and the Commission and heard an initial legal analysis from the Council legal service. The Council underlined that the introduction of quotas on immigration by EU citizens goes against the principle of free movement of persons between the EU and Switzerland as enshrined in the bilateral agreement in place.

On behalf of the Council the presidency made the following statement:

"The Council of the EU respects the internal democratic procedure of Switzerland and the outcome of the referendum. On the other hand, the Council expects that the Swiss confederation will honour its obligations arising from its agreements and treaties with the European Union or within the frame of international public law. The four fundamental freedoms are an integral part of the EU-Switzerland relations. But the internal market and its four pillars are indivisible."

Natural disasters in Slovenia, Croatia and Greece

The Slovenian, Croatian and Greek delegations informed the Council about natural disasters in their countries. Slovenia and parts of Croatia suffered severe devastation, caused by an extreme ice storm and sleet. The Greek island of Cephalonia was hit by a powerful earthquake.

Black Sea

The Romanian delegation informed the Council about the results of the conference on the sustainable development of the blue economy of the Black Sea held in Bucharest on 30 January.

Adriatic and Ionian region

The presidency presented the outcome of a high level conference on Adriatic and Ionian region held in Athens last week.

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OTHER ITEMS APPROVED

GENERAL AFFAIRS

Hercule III programme to counter fraud and protect taxpayers' money*

The Council adopted a regulation setting up the Hercule III programme to counter fraud and protect taxpayers' money in the years 2014 to 2020 ([39/13](#) + [5586/14 ADD I](#))¹. This follows a first-reading agreement reached with the European Parliament.

Hercule III is aimed at preventing and combating fraud, corruption and any other illegal activities affecting the financial interests of the EU, including cigarette smuggling and counterfeiting. The programme provides for technical assistance, such as specialised equipment and information technology, training, including exchange of best practices, and other actions. The financial envelope of the programme amounts to EUR 104.9 million (in current prices) out of which at least 70% is earmarked for technical assistance and a maximum of 25% and 5% respectively for training and other actions.

Hercule III builds on the two previous programmes Hercule and Hercule II, which covered the periods 2004-2006 and 2007-2013 respectively.

EU - Switzerland: Free movement of persons - Croatia

The Council adopted a decision on the signing, on behalf of the European Union and its member states, of a protocol to the agreement with Switzerland, on the free movement of persons, regarding the participation of the Republic of Croatia as a contracting party, following its accession to the European Union ([14381/13](#)).

¹ The Swedish delegation abstained and the UK delegation voted against.

ECONOMIC AND FINANCIAL AFFAIRS

European Central Bank

The Council adopted a decision appointing Sabine Lautenschläger as vice-chair of the newly-created supervisory board of the European Central Bank ([5933/14](#) + [COR 1](#) + [5932/14](#)).

Under the single supervisory mechanism (SSM) – one of the key elements of Europe's banking union – the ECB will have direct oversight of eurozone banks.

For more information see press release [6336/14](#).

Calculation of risk adjustment: Council intends not to object to delegated act

The Council decided not to object to a Commission regulation on prudential requirements for credit institutions and investment firms, with regard to regulatory technical standards for specifying the calculation of specific and general credit risk adjustments.

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the act can enter into force, unless the European Parliament objects to it.

JUSTICE AND HOME AFFAIRS

EU-Azerbaijan readmission agreement

The Council adopted a decision concerning the signature of the agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation ([15593/13](#), [15594/13](#))

The text of the Agreement will be published together with the decision on its conclusion.

Europol - Appointment of a Deputy Director

The Council decided to appoint Mr. Wilhelmus Martinus van Gemert as Deputy Director of Europol from 1 May 2014 to 30 April 2018 ([5209/14](#)).

European Asylum Support Office

The Council adopted a decision on the signing, on behalf of the European Union, of the Arrangements on the modalities of the participation in the European Asylum Support Office¹ of the Swiss Confederation ([18075/13](#), [18078/13](#)), the Principality of Liechtenstein ([18112/13](#), [18115/13](#)) the Republic of Iceland ([18122/13](#), [18123/13](#)) and the Kingdom of Norway ([18139/13](#), [18140/13](#)).

Following the signature, the Council also decided to forward the decision on the conclusion of the Arrangements to the European Parliament for its consent.

The European Asylum Support Office (<http://easo.europa.eu/>) plays a key role in the concrete development of the Common European Asylum System. It was established with the aim of enhancing practical cooperation on asylum matters and helping member states fulfil their European and international obligations to give protection to people in need.

CONSUMER PROTECTION

Consumer programme for 2014-2020

The Council adopted a regulation establishing a consumer programme for the years 2014-2020 ([PE-CONS 107/13](#)).

The programme is intended to contribute to growth by empowering citizens to play a full role in the single market through a high level of consumer protection. It contains specific objectives and eleven actions aimed at achieving these objectives with a view to facilitating the implementation of the European Consumer Agenda.

The Consumer Agenda, which was endorsed by the Council in October 2012², is the EU's strategy to support consumers by ensuring the safety of the products and services made available to them, by informing and educating them, by supporting bodies that represent them, by strengthening their rights, by giving them access to justice and redress and by ensuring that consumer legislation is enforced.

Funding for the programme will amount to nearly EUR 200 million for the seven-year period.

¹ Regulation 439/2010 (*OJ L 132, 29.5.2010, p. 11*).

² (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/132794.pdf).

ENVIRONMENT**CO2 emissions from new light commercial vehicles**

The Council adopted a regulation amending regulation (EU) No [510/2011](#) to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles ([PE-CONS 106/13](#), [106/13 COR1](#), [5584/14 ADD 1](#)).

From 2020, a target of 147 g CO₂/km is set for the average emissions of new light commercial vehicles registered in the Union.

For more information see press release [6265/14](#).

INTERNAL MARKET**Reform of public procurement**

The Council adopted a legislative package for modernisation of public procurement in the EU, which is made up of:

- a directive on public procurement (replacing directive [2004/18/EC](#)): ([PE-CONS 74/13](#) and [5862/14 ADD 1](#));
- a directive on procurement by entities operating in the utilities sectors: water, energy, transport and postal services (replacing directive [2004/17/EC](#)): ([PE-CONS 75/13](#)); and
- a directive on the award of concession contracts: ([PE-CONS 73/13](#) and [5860/14 ADD 1 REV 1](#)).

This review, which is one of the twelve priority actions of the *Single Market Act*, is a major overhaul of public procurement rules across the EU. It will bring improvements in a wide range of areas relating to the procurement of goods, works and services.

For more information see press release [6337/14](#).

Construction products

The Council decided not to oppose the adoption by the Commission of a regulation on the conditions for making a declaration of performance on construction products available on a website ([15823/13](#)).

The new regulation sets out the conditions governing the electronic processing of the declarations of performance in order that they may be made available on a website. Those conditions permit the use of new information technologies and reduce costs to manufacturers of construction products and the construction sector as a whole.

Regulation 305/2011, which lays down harmonised conditions for the marketing of construction products, obliges manufacturers to draw up a declaration of performance when a construction product that is covered by a harmonised standard or conforms to a European Technical Assessment issued for that product is placed on the market. A copy of that declaration must be supplied either in paper form or by electronic means.

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the act can enter into force, unless the European Parliament objects to it.

TRADE POLICY

Anti-dumping - Dicyandiamide - China

The Council adopted a regulation repealing the anti-dumping duty on imports of dicyandiamide originating in China following an expiry review pursuant to regulation 1225/2009 (the EU's "basic anti-dumping regulation") ([5274/1/14 REV 1](#)).

Generalised scheme of preferences - El Salvador, Guatemala and Panama

The Council decided not to object to the adoption by the Commission of a regulation adding El Salvador, Guatemala and Panama to the list of countries benefiting from tariff preferences under the EU's special incentive arrangement for sustainable development and good governance ("GSP+").

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. Now that the Council has given its consent, the act can enter into force unless the European Parliament objects.

Dual use items

The Council confirmed an agreement reached with the European Parliament on a draft regulation aimed at enabling the adoption of delegated acts for the purpose of updating certain annexes of regulation 428/2009 on the control of exports, brokering and transfer of dual use items ([5480/14](#) + [5480/14 COR1](#) + [5480/14 ADD1](#) + [5480/14 ADD1 COR1](#)).

Agreement with the Parliament was reached on 17 December. The Parliament had adopted its position at first reading in October 2012.

The Council's position at first reading will be adopted without discussion at a forthcoming meeting, after finalisation of the text. It will then be sent to the Parliament for adoption without amendment at second reading.

CUSTOMS UNION

United Nations firearms protocol

The Council approved the conclusion, on behalf of the EU, of the protocol against the Illicit Manufacturing of and Trafficking in Firearms, supplementing the UN Convention against Transnational Organized Crime ([12324/13](#)).

The Firearms Protocol, which entered into force in 2005, is the only legally binding instrument on small arms at the global level¹.

AGRICULTURE

Spirit drinks - Amendment of the list of geographical indications

The Council decided not to oppose the adoption of a Commission's amendment to annex II to regulation 110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks ([5178/14](#)).

¹ <http://www.unodc.org/unodc/en/firearms-protocol/firearmsprotocol.html>

The amendment on annex II adjusts the specifications of the categories of some spirit drinks such as those in:

- category 16: spirits obtained by maceration and distillation for which the list of fruits and berries used in this category is extended;
- category 24: where the origin of ethyl alcohol used in aquavit is better defined.

This Commission regulation is subject to the so called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

TRANSPORT

Air operations of third country operators - requirements and procedures

The Council decided not to oppose adoption by the Commission of a regulation laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to regulation 216/2008 ([16870/13](#)).

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

TRANSPARENCY

Public access to documents

On 11 February 2014, the Council approved:

- the reply to confirmatory application No 01/c/01/14 ([5048/14](#))
- the reply to confirmatory application No 02/c/01/14 ([5051/14](#)).

APPOINTMENTS

Committee of the Regions

The Council appointed Mr Erik FLYVHOLM, Mr Bent HANSEN and Mr Simon Mønsted STRANGE (Denmark) as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([5664/14](#)).

Article 255 panel

The Council appointed the following persons as members of the panel provided for in article 255 of the Treaty on the Functioning of the European Union for a period of four years from 1 March 2014 ([5475/14](#)):

- Mr Jean-Marc Sauvé
- Mr Luigi Berlinguer
- Ms Pauliine Koskelo
- Lord Mance
- Mr Péter Paczolay
- Mr Christian Timmermans
- Mr Andreas Vosskuhle.

The article 255 panel's task is to give an opinion on candidates' suitability to perform the duties of judge and advocates-general of the Court of Justice and the General Court before the governments of the member states make the appointments.
