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THE EUROPEAN UNION**

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**DRAFT MINUTES**

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Subject: **3271st meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS) held in Brussels on 15 November 2013**

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## **LEGISLATIVE DELIBERATIONS**

*(public deliberation in accordance with Article 16(8) of the Treaty on European Union)*

### **"A" ITEMS**

**1. Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures [First reading] (LA)**

– Adoption

a) of the Council's position at first reading

b) of the statement of the Council's reasons

15428/13 CODEC 2397 COMER 246 WTO 274 COWEB 160 US 50 ACP 165  
COEST 336 NIS 69 SPG 17 UD 280

13283/13 COMER 200 WTO 186 COWEB 118 USA 43 ACP 135 COEST 247  
NIS 43 SPG 12 UD 217 CODEC 1940

+ ADD 1

approved by Coreper, Part 2, on 06.11.2013

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU).

**2. Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures [First reading] (LA)**

– Adoption

a) of the Council's position at first reading

b) of the statement of the Council's reasons

15430/13 CODEC 2398 COMER 247 WTO 275 COWEB 161 USA 51 ACP 166  
COEST 337 NIS 70 SPG 18 UD 281 STIS 4 DEVGEN 270 SAN 414

13284/13 COMER 201 WTO 187 COWEB 119 US 44 ACP 136 COEST 248  
NIS 44 SPG 13 UD 218 STIS 3 DEVGEN 217 SAN 317

CODEC 1941

+ ADD 1

approved by Coreper, Part 2, on 06.11.2013

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU).

**3. Regulation of the European Parliament and of the Council amending Regulation (EC) No 273/2004 on drug precursors [First reading] (LA + S)**

PE-CONS 61/13 UD 175 ENT 213 MI 613 CORDROGUE 67 CODEC 1686

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 114 of the TFEU).

**Statement by the Commission**  
**concerning EU policy for SMEs**

"The Commission regrets that the Council did not accept a clearer commitment to reduce fees for SMEs and in particular for micro-enterprises, in line with the objectives of the EU policy for SMEs. However, in a spirit of compromise and in order to conclude the adoption of the amendment, the Commission can agree to the proposed compromise calling on Member States to consider modulating the fees they impose according to company size."

**4. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors [First reading] (LA)**

PE-CONS 71/13 UD 196 ENT 231 CORDROGUE 75 CODEC 1822

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 207 of the TFEU).

**5. Regulation of the European Parliament and of the Council on European demographic statistics [First reading] (LA + S)**

PE-CONS 88/13 STATIS 86 POLGEN 159 ECOFIN 781 SOC 677 REGIO 189  
DATAPROTECT 121 CODEC 1987

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 Czech, Maltese and Slovak delegations abstaining and the Italian delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 338(1) of the TFEU).

**Statement by Italy**

"Italy has always been in favor of the regulation on European statistics on demography since the beginning of the discussion. This is confirmed by the very active role that Italian representatives have played at the meetings of the Eurostat working group on Population and Census and of the Council Working Party on Statistics, held from autumn 2009 onwards.

Having said that, Italy opposed - and continues to oppose - the text of the regulation emerged from the 19-July meeting of the Council Working Party on Statistics, as evidenced by the scrutiny reservation entered on the entire dossier.

The reasons why Italy does not agree on the 19-July version of the Regulation are twofold: firstly, the definition of “usually resident population” which conflicts with the legislation in force in Italy (Regulation on population registry) and does not ensure consistency with the other European demographic regulations already in force (i.e. Regulation 862/2007 on migration and the 763/2008 national census); secondly, the *de facto* removal of the article on derogations (i.e. Art. 8a, approved by the Council in summer 2012 and replaced by Art7a on feasibility studies)."

#### **Statement by the Republic of Croatia**

"Croatia has already expressed that it generally supports the Proposal for a Regulation of the European Parliament and of the Council on European demographic statistics.

Nevertheless, Croatia would like to stress that it will not be able to meet the full scope of obligations as defined in Article 3 of the abovementioned Proposal for a Regulation.

Data on live births by mother's country of birth and data on deaths by country of birth have not been collected for the first reference year, i.e. 2013. Thus, a delivery of specified data will not be possible.

The Republic of Croatia will introduce these two variables to the existing statistical surveys, making the data available from 2014 reference year onwards."

#### **Statement by Romania**

"Romania has already expressed that it generally supports the Proposal for a Regulation of the European Parliament and of the Council on European demographic statistics.

Nevertheless, Romania would like to stress, once again, that it will not be able to meet the full scope of obligations as defined in Article 3 of the abovementioned Proposal for a Regulation.

Data on live births by mother's country of birth, mother's country of citizenship and mother's region of residence and data on deaths by country of birth have not been collected for the first reference year, i.e. 2013. Thus, a delivery of specified data will not be possible.

Romania introduced these four variables to the existing statistical surveys, making the data available from 2014 reference year onwards."

**6. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 in relation to tariff quotas for wine [First reading] (LA)**  
PE-CONS 92/13 COWEB 138 AGRI 621 AGRIORG 124 WTO 224 UD 249  
CODEC 2175

The Council approved the amendments 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 207(2) of the TFEU).

**7. Proposal for a Regulation of the European Parliament and of the Council on tachographs in road transport, repealing 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 on the harmonisation of certain social legislation relating to road transport [First reading] (LA+S)**

– Adoption

- a) of the Council's position at first reading
- b) of the statement of the Council's reasons

14969/13 CODEC 2299 TRANS 533

+ COR 1

+ ADD 1 REV 1

11532/13 TRANS 354 CODEC 1599

+ COR 1 (cs, fr, pl, ro)

+ REV 1 (pl, el)

+ REV 2 (pt)

+ REV 3 (pl)

+ ADD 1

approved by Coreper, Part 1, on 23.10.2013

The Council approved its position at first reading, with the German delegation voting against, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union.

(Legal basis: Article 91 of the TFEU).

**Statement by the Federal Republic of Germany**

"This Commission proposal on the digital tachograph is intended to establish the efficiency and effectiveness of tachographs and to ensure that professional drivers observe the rules on driving and rest times even more closely.

In the view of the German Federal Government, the proposal should not result in small and medium-sized enterprises – in particular craft industry enterprises – being exposed to further red tape without good reason, however.

The compromise text negotiated between the Parliament and the Council makes provision for such enterprises to be exempted if they use a vehicle within a 100 km radius from the base of the undertaking. While this is an improvement on the existing exemption, which covers only a 50 km radius, for large countries in terms of area, such as Germany, the new provision is nevertheless insufficient and therefore not acceptable. Moreover, small and medium-sized enterprises in particular are today dependent on reaching customers within a larger radius.

From the start of the negotiations, the German Federal Government has been advocating that the exemption be extended to a 150 km radius. As a minimum fallback position, it would still be acceptable to Germany if at least those Member States believing this to be necessary were given the possibility of extending the exemption to a 150 km radius.

On the basis of the arguments mentioned in this statement for the minutes, the German Federal Government is unable to agree to the Commission proposal on digital tachographs in the form resulting from the informal trilogue."

**Commission statement**  
**concerning regulation (ec) no 561/2006**

"In order to ensure an effective and uniform implementation of the legislation on driving times and rest periods, the Commission will continue to monitor closely the implementation of that legislation and, where necessary, take the appropriate initiatives."

**Commission statement**  
**concerning implementing acts**

"The Commission considers that the future acts, which the Commission has been given the power to adopt by the legislative act in order to set out the detailed provisions and specifications for the tachograph, tachograph cards and record sheets, as well as the type approval requirements, aim at supplementing the technical specifications set out in the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The Commission will not stand against the adoption of the text as agreed by the co-legislators. Nevertheless, the Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice in the "biocides" case."

**Commission statement**  
**concerning the use of article 5(4) subparagraph 2 point (b) of Regulation (EU) no 182/2011**

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 § 4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the legislator, but must be interpreted in a restrictive manner and thus must be justified.

While the Commission notes the agreement reached by the European Parliament and the Council on the recourse to this provision it regrets that such justification is not reflected in a recital."

**8. Directive of the European Parliament and of the Council concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 [First reading] (LA + S)**

PE-CONS 43/13 MAR 73 TRANS 317 SOC 457 CODEC 1405

+ COR 1 (fi)

+ REV 1 (hr)

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 100(2) of the TFEU).

**Commission statement**

"The Commission considers that the title does not properly reflect the scope of the Directive."



### **Statement by Austria**

"Austria is aware of the significance of the Maritime Labour Convention, which is an important step towards improving the living and working conditions of seafarers on ships. Accordingly, Austria welcomes efforts made to implement the Maritime Labour Convention in the largest possible number of States.

On the other hand, maritime transport is less important to a landlocked state such as Austria, not least because the shipping register has been closed for commercial vessels. In this regard Austria is therefore no longer a flag State.

Austria would not wish to obstruct the other Member States in any way, should they ratify the Maritime Labour Convention within the meaning of the proposed Directives. As the implementation of this Convention requires a significant administrative and financial commitment, which is entirely disproportionate to the Convention's relevance for Austria, Austria does not intend to ratify the Maritime Labour Convention."

### **9. Directive of the European Parliament and of the Council on recreational craft and personal watercraft and repealing Council Directive 94/25/EC [First reading] (LA + S) PE-CONS 41/13 ENT 164 ENV 544 CODEC 1402**

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 Bulgarian delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

### **Statement by the Commission on the Competence of the Committee**

"The Commission regrets the adoption of the Article 50(5) and (6) that has the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee."

### **Statement by the German delegation**

"The Federal Republic of Germany agrees with the results of the trilogue negotiations on the proposal for a directive of the European Parliament and of the Council on recreational craft and personal watercraft, but points out that the compromise contains insufficient requirements for exhaust and noise emissions. The Federal Republic of Germany regrets, that the proposals it made in this regard were not given adequate consideration."

**10. Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') [First reading] (LA + S)**  
PE-CONS 57/13 ETS 22 MI 570 COMPET 515 EDUC 268 CODEC 1554

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 Bulgarian delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 46, 53(1) and 62 of the TFEU).

**Commission statement**

"The Commission will, when preparing the delegated acts referred to in Article 57c(2), ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council, and will carry out appropriate and transparent consultations well in advance, in particular with experts from competent authorities and bodies, professional associations and educational establishments of all the Member States, and where appropriate with experts from social partners."

**Statement by Bulgaria**

"Bulgaria is voting *abstention* in respect for Art. 46 of the Proposal for a Directive of The European Parliament and of The Council amending Directive 2005/36/EC on the recognition of professional qualifications, with reference to the duration of architects' training, on the following grounds:

The opinion of the Republic of Bulgaria is that an acceptable standard is attained for the *architect* profession in terms of knowledge, skills and competences via a combination of an academic education and professional experience in accordance with the international standard for at least 5 years of full-time study at a university or a comparable educational institution, leading to successful completion of a university-level examination for acquisition of qualification and at least two years of professional traineeship, which is certified, respectively, attested to by a certificate issued from the competent authority. Bulgaria emphasizes that it is the application of that international standard that allows for an automatic recognition of the *architect* professional qualification and the related minimum training duration and supplement of the academic education with professional experience.

The *architect* profession is one of the professions having a direct impact over people's lives and health. The building designs, which are elaborated by architects, should guarantee to the society that the constructions resulting from those designs will comply with the regulatory requirements and technical specifications for ensuring building sustainability and durability in operational and seismic loading, will provide a safe building operation exploitation and fire safety, will create a healthy living environment safeguarding people's lives and health, as well as environmental preservation.

Currently, the requirements for knowledge, skills and competences of architects are many times more than what was necessary 15 years ago for practicing the *architect* profession and continue growing, including new fields and disciplines. This basis is attained on an academic level. In this sense, it is not useful to aspire towards a constant reduction of the academic education volume and duration, taking into account the increasing volume of learning outcomes. Bulgaria expresses its apprehension that the minimum regulation will reduce the competitiveness of the European architects on some global markets, because the international standard is five-year academic training.

Bulgaria states its concern over the fact that the precise formulation has not been laid down in the proposed amendments for modernization of Directive 2005/36/EC on the recognition of professional qualifications as regards the common minimum requirements in the direction of establishing a common standardized framework for training in *Architecture* major, as well as standardized requirements for the duration, content and control of the professional traineeship, as well as the absence of traineeship, if there is a five-year duration of training in *Architecture* major. Bulgaria sustains its position regarding the necessity for professional traineeship with a two-year duration, under the supervision of a registered architect or another competent body, because it is exactly this traineeship that provides for practical knowledge in a real working environment for the graduates from *Architecture* major, which is different from the working environment in universities. The traineeship, which is envisaged after the third year of training, cannot be compared in quality with the traineeship under the supervision of a registered architect or a competent body that is carried out after the training completion of *Architecture* major."

**11. Directive of the European Parliament and of the Council amending Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content, and repealing Commission Decision 2009/603/EC [First reading] (LA + S)**

PE-CONS 55/13 ENV 579 ENT 195 CODEC 1517

+ REV 1 (bg)

+ REV 2 (pt)

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 Estonian delegation abstaining, 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 the procedure of adoption of implementing acts**

"The Commission underlines that it is contrary to the letter and to the spirit of regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission *may* adopt a draft implementing act when no opinion is delivered.

Given that it is an exception to the general rule established in Article 5§4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

**Statement by the Commission**  
**on the stakeholders' consultation**

"The Commission takes note of the agreement reached by co-legislators on Article 1(8)b. However, it recalls that Article 290 is to be interpreted as meaning that the Commission is autonomous in the preparation and adoption of delegated acts. The standard recital on expert advice contained in the Common Understanding agreed between the three institutions is a reflection of that interpretation. The Commission regrets that this principle was not respected and underlines that the present case cannot constitute a precedent."

**Statement by the Commission**  
**on the consolidated version**

"The European Commission undertakes to contact the Publications Office with a view to have a consolidated version of Directives 2006/66/EC prepared within three months of the date of entry into force of Directive of the European Parliament and of the Council amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools."

**12. Regulation of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC**  
**[First reading] (LA + S)**

PE-CONS 59/13 ENV 656 MAR 85 TRANS 365 COMAR 28 CODEC 1654

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 Bulgarian, Cyprus and Maltese delegations voting against and the German, Estonian and Polish delegations abstaining, 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 Bulgaria, Cyprus and Malta**

"The abovementioned Member States recognise that ship recycling raises significant environmental challenges, which need to be addressed.

However, we cannot agree that a regional approach is the most appropriate way forward. In view of the inherently global nature of the shipping sector and the right of ship owners to re-flag their ships, it would have been better to link the date of application of this Regulation to the date of entry into force of the Hong Kong Convention.

Moreover, the threshold of 2.5 million light displacement tonnes in Article 32 is far too low to provide assurance that it will actually be possible to comply with the Regulation once it applies."

### **Statement by Cyprus**

"Cyprus regrets the failure to include more explicit wording in Article 16 (4) of the Regulation, regarding the application of the principle of equality in Union law, and in particular, providing for non-discriminatory access to recycling facilities for ships flying the flag of any EU Member State.

Cyprus considers that the absence of such a reference does not mean that the Commission may approve ship recycling facilities located in third countries, such as Turkey, that apply discriminatory measures to ships associated with any Member State. Such an approval would be in breach of the principle of equality and thus, be considered unlawful.

In this context, and in addition to the principles enshrined within the Treaty of the European Union, Cyprus recalls the Council Conclusions of 11 December 2012 on Enlargement and Stabilisation and Association Process, and the Declaration by the European Community and its Member States of 21 September 2005, and emphasises the obligation for non-discriminatory implementation of the Additional Protocol of the Association Agreement between the Union and Turkey, towards all Member States.

The continuation of restrictive measures applied by Turkey vis-a-vis the Republic of Cyprus, coupled with the provisions of this Regulation, will impact negatively Cyprus's economy and shipping industry. Cyprus-associated ships will be excluded from EU-approved recycling facilities in Turkey, thereby limiting their recycling options. An inevitable loss of flags from the Cyprus shipping registry will lead to a loss of revenue. The port and shipping management industries will also receive a significant blow, as ship owners will choose to avoid Cyprus as a hub.

Cyprus, therefore, calls on the Commission to respect scrupulously the principle of equality when drawing up the list of ship recycling facilities. Cyprus reserves all its rights, including legal redress where appropriate, to ensure that the principle of equality is respected."

### **Statement by Poland**

"Poland acknowledges that ship recycling practices in some parts of the world raise serious safety and environmental concerns and need urgent and effective solutions.

Poland also believes that maritime transport as a sector of intrinsically global nature requires measures wider than unilateral EU regulations. In consequence, Poland has been hesitant to lend its support for an EU regulation on ship recycling and instead advocated a concerted effort to facilitate earlier entry into force of the Hong Kong Convention for the safe and environmentally sound recycling of ships. We believe that the problem of unsound ship recycling can effectively be tackled only through an early entry into force of the Convention and its enforcement.

Poland highly appreciates that the final text of the Regulation on ship recycling extensively aligns with the Convention and may ease future adjustments of EU law to the Hong Kong Convention.

However, Poland maintains doubts that the conditions for application of the Regulation as provided in Article 32 are optimal. The application date in paragraph 1(b) fails to guarantee that compliance with the Regulation will be possible due to the probable lack of available recycling capacity and no firm link to the Hong Kong Convention.

Taking the foregoing into account, Poland cannot support the regulation and abstains from voting."

#### **Statement by Germany**

"Germany still has concerns as to whether the Regulation can make any contribution to achieving its purpose, since it cannot stop shipowners continuing to register ships under a non-EU flag when they are to be broken up, and thus maintaining their existing practice."

#### **Statement by the Commission** **on the procedure of adoption of implementing acts**

"The Commission underlines that it is contrary to the letter and to the spirit of regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission *may* adopt a draft implementing act when no opinion is delivered.

Given that it is an exception to the general rule established in Article 5§4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

#### **Statement by Latvia**

"Latvia agrees with the draft Regulation recognising the environmental challenges related to ship recycling practices. At the same time, Latvia believes, that a global regime established by the Hong Kong Convention would be more effective in view of the global nature of the shipping sector and competitiveness aspects of the EU ports.

In this regard Latvia would like to invite the European Commission while preparing the report on the feasibility of a financial instrument that would facilitate safe and sound ship recycling in accordance with the Article 29 and Recital 19 of the draft Regulation to also assess the influence of any such possible measures on the competitiveness of EU ports in comparison with ports situated in non-EU member states in the same region."

**13. Decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" [First reading] (LA + S)**

PE-CONS 64/13 ENV 688 DEVGEN 185 ECO 137 SAN 258 PECHE 313  
AGRI 463 IND 202 CHIMIE 86 ENER 356 RECH 336 TRANS 381  
CODEC 1702  
+ COR 1 (it)

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 Hungarian and Polish delegations voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 192(3) of the TFEU).

**Statement by Malta, the United Kingdom, Slovenia and Cyprus**

"In the spirit of compromise, Malta, the United Kingdom, Slovenia and Cyprus can accept the position of the European Parliament at first reading adopted on 24 October 2013 on the proposal on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet", insofar as it reflects the outcome of the informal trilogue on 19 June 2013, which was subsequently endorsed by Coreper on 26 June 2013.

However, Malta, the United Kingdom, Slovenia and Cyprus are still concerned with respect to references to the setting of targets on land use found in paragraphs 25 and 28(vi) of the Annex. The setting of key objectives for land use is already being discussed in the context of the Territorial Cohesion and Urban Development portfolios. Malta, the United Kingdom Slovenia and Cyprus believe that the application of such targets should remain the prerogative of Member States in view of the specificities and diversities of territories."

**Statement by Germany**

"From the 2010 Council Conclusions onwards, Germany was among those Member States urging the European Commission to come up with a 7th Environmental Action programme (7th EAP). Germany was also among those delegations which also proposed different improvements to the text and showed a maximum of flexibility throughout. However, Germany is among those Member States which maintain the view that the proposed Directive of the European Parliament and of the Council establishing a Framework for the Protection of Soil and amending Directive 2004/35/EC as put forward by the European Commission in 2006 does not represent a proportionate, adequate and forward-looking instrument for soil protection at an EU level.

National or regional approaches aimed at soil protection vary widely due to highly differentiated patterns of agriculture, forestry and land use. Albeit to varying degrees across the EU, progress has already been made to ensure soil protection, including contaminated site identification and the development of monitoring systems. Emphasis should be placed on strengthening these efforts by sharing best practise examples and further development of guidelines, taking full account of regional differences and the principle of subsidiarity."

### **Statement by France, Malta, the Netherlands, Austria and the United Kingdom**

"France, Malta, the Netherlands, Austria and the United Kingdom are among those delegations which support the outcome of the informal trilogues regarding a 7th Environmental Action programme (7th EAP). France, Malta, the Netherlands, Austria and the United Kingdom were also among those delegations which also proposed different improvements to the text and showed a maximum of flexibility throughout the negotiations. It is in the spirit of a compromise that we are able to support the wording of the proposed 7th EAP with regard to a Soil Framework Directive. However, France, Malta, the Netherlands, Austria and the United Kingdom are among those delegations which also maintain the view that the proposed Directive of the European Parliament and of the Council establishing a Framework for the Protection of Soil and amending Directive 2004/35/EC as put forward by the European Commission in 2006 does not represent a proportionate, adequate and forward-looking instrument for soil protection at EU level.

National or regional approaches aimed at soil protection vary widely due to highly differentiated patterns of agriculture, forestry and land use. Albeit to varying degrees across the EU, progress has already been made to ensure soil protection, including contaminated site identification and the development of monitoring systems. Emphasis should be placed on strengthening these efforts by sharing best practice examples and further development of guidelines, taking full account of regional differences and the principles of subsidiarity and proportionality."

### **Statement by the Czech Republic, Hungary and Poland**

"The Czech Republic, Hungary and Poland are not in a position to align themselves with the wording of paragraph 33 of the Annex of the Decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 relating to the EU climate and energy framework beyond 2020, which states that *"the EU needs to provide a clear legally-binding framework and target(s) to make the medium- and long-term investments needed in emissions reduction, energy efficiency and renewable energy. Hence the Union needs to consider policy options to make the transition to a low-carbon economy in a gradual, cost-effective way, taking into account the indicative milestones set out in the Low-Carbon Economy Roadmap to 2050, which should serve as the basis for further work. The Green Paper on a 2030 framework for climate and energy policies<sup>1</sup> represents an important step in this regard."*

According to the Czech Republic, Hungary and Poland this formulation is not consistent with paragraph 4 of the Conclusions of the European Council of 22 May 2013, according to which the European Council has reserved the right to discuss and decide on the different policy options. The conclusions clearly state that *"the European Council will discuss policy options relating to a predictable climate and energy policy framework post-2020 in March 2014, after the Commission comes forward with more concrete proposals"*

The Czech Republic, Hungary and Poland recognise the importance of the General Union Environment Action Programme to 2020, however none of the priority objectives set out in the programme should prejudice the outcome of on-going and future negotiations on the energy and climate policy of the EU."

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<sup>1</sup> COM(2013)0169.



## **Statement by the United Kingdom**

"The priority objectives set out in the present general action programme are without prejudice to future negotiations of the measures necessary to implement those objectives. Any new measures or modifications to existing legal frameworks should be considered within the appropriate Council formation and adopted under the relevant Treaty provisions."

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### **"B" ITEMS**

#### **3. Savings taxation**

- **Proposal for a Council Directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments**
  - Political agreement
    - 15523/13 FISC 208
    - 15491/13 FISC 207

The Council discussed the abovementioned proposal, on which the technical work has been finalised. Taking into account the conclusions of the European Council of 22 May 2013, a large majority of the Member States supported reaching a political agreement on this file before the end of 2013. Two delegations expressed their reservations on this. The Council will come back to this issue as appropriate.

#### **4. Standard VAT return**

- **Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards a standard VAT return**
  - = Presentation from the Commission
    - 15337/13 FISC 206

The Council heard a presentation by the Commission on this new proposal.

#### **10. Anti-money laundering [First reading]**

- **Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing**
  - State of play
    - 15574/13 EF 208 ECOFIN 964 CRIMORG 128 DROIPEN 132 CODEC 2429
    - 6231/13 EF 24 ECOFIN 103 DROIPEN 15 CRIORG 15 CODEC 282
    - 15667/13 EF 212 ECOFIN 969 CRIMORG 129 DROIPEN 134 CODEC 2446
    - 15954/13 EF 221 ECOFIN 995 CRIMORG 131 DROIPEN 137 CODEC 2506

The Council took stock of work in progress on the draft Directive on the prevention of money laundering and terrorist financing and invited the Working Party to continue work in order to present a general approach as soon as practically possible.

## 11. Single Resolution Mechanism [First reading]

- **Proposal for a Regulation of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council**
  - General approach
    - 15503/13 EF 206 ECOFIN 956 CODEC 2408
    - 15868/13 EF 216 ECOFIN 988 CODEC 2479

The Council discussed the abovementioned proposal. The Presidency concluded that further work should be done on the basis of the President's conclusions, so that this proposal could be examined at the next meeting of the Council (ECOFIN) with a view to reaching a general approach.

## 12. Any other business

- **Current legislative proposals**
  - Information from the Presidency

The Council took note of the state of play in relation to the key legislative files in the area of financial services.

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