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THE EUROPEAN UNION**

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ADD 1**

**PV/CONS 7
COMPET 128
RECH 86
ESPACE 30**

DRAFT MINUTES

Subject: **3295th** meeting of the Council of the European Union
(**COMPETITIVENESS (Internal Market, Industry, Research and Space)**)
held in Brussels on 20 and 21 February 2014

PUBLIC DELIBERATION ITEMS¹

Page

LEGISLATIVE DELIBERATIONS

"A" ITEMS (doc. 6483/14 PTS A 13)

1. Council Decision laying down rules and procedures to enable the participation of Greenland in the Kimberley Process certification scheme (LA)..... 4
2. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2368/2002 as regards the inclusion of Greenland in implementing the Kimberley Process certification scheme [First reading] (LA)..... 4
3. Proposal for a Regulation of the European Parliament and of the Council on the sound level of motor vehicles and of replacement silencing systems and amending Directive 2007/46/EC and repealing Directive 70/157/EEC [First reading] (LA+S)..... 4
4. Regulation of the European Parliament and of the Council concerning the notification to the Commission of investment projects in energy infrastructure within the European Union, replacing Council Regulation (EU, Euratom) No 617/2010 and repealing Council Regulation (EC) No 736/96 [First reading] (LA)..... 5
5. Regulation of the European Parliament and of the Council repealing Council Regulation (EC) No 827/2004 prohibiting imports of Atlantic bigeye tuna (*Thunnus obesus*) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No 1036/2001 [First reading] (LA)..... 5
6. Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market [First reading] (LA+S)..... 6
7. Directive of the European Parliament and of the Council amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures [First reading] (LA)..... 8
8. New legislative framework alignment package [First reading] (LA+S)..... 9

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).

9. Proposal for a Council Decision authorising France to apply a reduced rate of certain indirect taxes on "traditional" rum produced in Guadeloupe, French Guiana, Martinique and Réunion and amending Decision 2007/659/EC (LA)..... 17

"B" ITEMS (doc. 6400/14 OJ/CONS 7 COMPET 101 RECH 67 ESPACE 22)

6. Any other business 17
- (f) Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large companies and groups [First reading]
 - (g) Proposal for a Directive of the European Parliament and of the Council on electronic invoicing in public procurement [First reading]
 - (h) Proposal for a Council Regulation on the Statute for a European Foundation
10. Any other business 18
- (a) Proposals for Decisions of the European Parliament and of the Council on the Participation by the European Union in a second phase of several programmes undertaken by several Member States under Article 185 [First reading]
 - (e) Proposal for a Decision of the European Parliament and the Council, establishing a Space Surveillance and Tracking Support Programme [First reading]

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

10. Any other business 18
- (b) Proposals for Council Regulations on several Joint Technology Initiatives Joint Undertakings (JTI JUs) under Article 187

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

1. Council Decision laying down rules and procedures to enable the participation of Greenland in the Kimberley Process certification scheme (LA)

17985/13 PESC 1557 RELEX 1193 WTO 356 UD 344

+ COR 1 (cs)

The Council adopted the above Decision. (Legal basis: Article 203 of the TFEU)

2. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2368/2002 as regards the inclusion of Greenland in implementing the Kimberley Process certification scheme [First reading] (LA)

PE-CONS 136/13 RELEX 1188 PESC 1553 WTO 355 UD 342 CODEC 3014

The Council approved the European Parliament's position at first reading and adopted the proposed act, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU)

3. Proposal for a Regulation of the European Parliament and of the Council on the sound level of motor vehicles and of replacement silencing systems and amending Directive 2007/46/EC and repealing Directive 70/157/EEC [First reading] (LA+S)

– Adoption

a) of the Council's position at first reading

b) of the statement of the Council's reasons

6414/14 CODEC 386 ENT 47 ENV 132 MI 157

+ ADD 1 REV 1

17695/13 ENT 344 ENV 1196 MI 1157 CODEC 2944

+ COR 1 (fi)

+ ADD 1

+ ADD 1 COR 1

approved by Coreper, Part 1, on 19.02.2014

The Council approved its position at first reading, , with the Netherlands delegation voting against, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU)

Statement by the Netherlands

"The Netherlands cannot approve the compromise reached with the European Parliament. Noise emission standards for motor vehicles are an important and cost-effective means to reduce noise emissions at the source, thus contributing to the health and wellbeing of citizens.

The main reason to reject the compromise lies in the testing methods that allow the use of worn-out tires. We foresee that vehicles will produce more noise in practice than in the testing. This may lead to vehicles exceeding the limits on the road."

4. Regulation of the European Parliament and of the Council concerning the notification to the Commission of investment projects in energy infrastructure within the European Union, replacing Council Regulation (EU, Euratom) No 617/2010 and repealing Council Regulation (EC) No 736/96 [First reading] (LA)

PE-CONS 117/13 ENER 546 CODEC 2666

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 194 of the TFEU)

5. Regulation of the European Parliament and of the Council repealing Council Regulation (EC) No 827/2004 prohibiting imports of Atlantic bigeye tuna (*Thunnus obesus*) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No 1036/2001 [First reading] (LA)

PE-CONS 16/14 COMER 15 WTO 22 PECHE 19 CODEC 124

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)

6. Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market [First reading] (LA+S)

PE-CONS 115/13 PI 164 AUDIO 113 CULT 120 CODEC 2566

+ COR 1 (de)

+ COR 2 (lv)

+ COR 3 (de)

+ COR 4 (es)

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 abstention of the Polish delegation, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 50(1), 53(1) and 62 of the TFEU)

Statement by the Netherlands and Germany

"The directive foresees the establishment of an expert group (article 41), which shall carry out certain tasks relating to the application of the Directive by the Member States.

For reasons of clarification the Netherlands and Germany would like to underline that the expert group is established by the legislator and, therefore, is not covered by the Framework Agreement on relations between the European Parliament and the European Commission (OJ L 304/47).

Furthermore, the Netherlands and Germany would like to underline that the Treaty on the European Union, nor the Treaty on the Functioning of the European Union, foresee in a role for the European Parliament with regard to tasks relating to the application of directives and regulations."

Statement by the Republic of Slovenia

"Slovenia supports the unification of the collective management of rights to guarantee the effective and transparent functioning of collective management organisations in the EU. The promotion and facilitation of multi-territorial rights could have a positive impact on the availability of new offers for both consumers and service providers.

In spite of the above, Slovenia has expressed reservations throughout the procedure about certain substantive provisions in the draft Directive. Slovenia's position is that it is essential for Member States to continue using the regime for issuing authorisation to collective management organisations operating in their respective territories, and also to supervise their activities. The free performance of the services of collective management organisations across the borders of a Member State, in which the organisation has its seat, might lead to a division of one repertoire managed by one collective management organisation into several repertoires managed by several organisations. Slovenia believes that this would benefit neither copyright holders nor consumers.

Slovenia also advocates a clearer regulation of responsibilities of the relevant authorities that coordinate the activities of collective management organisations with national legal systems adopted on the basis of this Directive. It would be prudent to task the authority of the country, in which the organisation operates, with the supervision of the functioning of collective management organisations, as the substantive law is not uniform throughout the EU.

Due to the above, Slovenia has advocated prior authorisation and supervisory regimes for collective management organisations established in other Member States. On the basis of including introductory statement No. 37 in the text of the Directive on a regime for the prior issue of authorisation and supervision in a Member State, and in the spirit of compromise, Slovenia hereby accepts the final compromise agreement on the draft Directive."

Statement by Latvia

"The Republic of Latvia draws attention that the legal term '*veikt uzņēmējdarbību*' used in the Latvian language version of the Directive with respect to the place of establishment of Collective Rights Management Organizations means 'to carry out entrepreneurship/business activity' and consequently is substantially different from the legal meaning of the term '*to be established*' used in the English and other language versions of the Directive. The Republic of Latvia notes that inconsistent or incorrect usage of legal terminology of such substantive importance leads to legal ambiguity and therefore creates the risk of disrupting legal parallelism amongst the language versions of the Directive. The Republic of Latvia notes that the term 'to be established' in analogous context appears in Article 49 of the Treaty on the Functioning of the European Union, where it is being translated into Latvian as '*izveidot*'. The latter term '*izveidot*' more precisely describes the act of being established covered by the Directive.

The Republic of Latvia intends to initiate the corrigendum procedure regarding the Directive in order to ensure consistent and correct use of terminology."

Statement by the Republic of Poland

"The Republic of Poland welcomes the positive results achieved as regards the rules pertaining to the improvement of the functioning, governance and transparency of collective management organisations.

Poland also welcomes the fact that the Directive will not have an impact on the prior authorisation schemes that Member States apply in relation to collective management organisations operating on their territory.

Poland believes that any new measure harmonising copyright law in the EU should be carefully analysed in the light of its compliance with article 167 TFEU and with the UNESCO Convention on the protection of cultural diversity. In this context, Poland still has doubts on the system of multiterritorial licensing introduced in Title III of the Directive. Despite the equal treatment safeguard for the repertoire transferred to another collective management organisation, it is very likely that the system will in any case lead to the reinforcement of the position of the biggest organisations representing the most popular anglo-american repertoire. This would in turn be detrimental to the repertoires with limited linguistic presence in the EU and would cause harm to the principle of safeguarding cultural diversity. Moreover, new online businesses may not be interested in acquiring licences for multi-repertoire and multiterritorial coverage. They very often face other types of barriers than licensing that prevent them from launching a multi-territorial or a pan-European service, such as the need to adapt their commercial strategy to national markets and regulatory framework (e.g. data protection, consumer law), the lack of broadly accessible electronic payment methods (e.g. credit card payments), the high level of exclusive rights infringements and the need to respond to the expectations of a local audience. As a result, the system does not really allow for the completion of a genuine digital single market as it does not guarantee equal access for consumers to legal online music offers in all Member States.

Lastly, Poland has been constantly raising its objections in relation to the inclusion of the 'value of the service provided by collective management organisations' as a criterion to set the tariffs in article 15. Such a criterion, which is not clearly defined, may lead to problems of interpretation or to the risk of abuse in setting the tariffs, especially in the systems where collective management organisations operate on a non-profit basis.

On the basis of the arguments presented above, the Republic of Poland decided to abstain from voting on the Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market."

7. Directive of the European Parliament and of the Council amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures [First reading] (LA)

PE-CONS 125/13 CHIMIE 137 MI 1139 ENT 338 ENV 1173 SAN 508
CONSUM 218 COMPET 909 ECO 217 SOC 1024 CODEC 2866
+ REV 1 (lt)

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 153(2) of the TFEU)

8. New legislative framework alignment package [First reading] (LA+S)

a) Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (Recast)

PE-CONS 47/13 ENT 183 MI 541 CONSUM 121 COMPET 460 CODEC 1465
+ COR 1 (hu)

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 114 of the TFEU)

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

"The Commission regrets the adoption of Article 49(5) and the corresponding recital 49 that have 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 Commission **on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups**

"With regard to the recital 50 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."

b) **Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels (Recast)**

PE-CONS 48/13 ENT 184 MI 542 CONSOM 122 COMPET 461 CODEC 1466

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 114 of the TFEU)

Statement by the Commission
on the Competence of the Committee

"The Commission regrets the adoption of Article 39(5) and the corresponding recital 43 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 Commission
on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups

"With regard to the recital 44 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation".

c) **Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (Recast)**

PE-CONS 49/13 ENT 185 MI 543 CONSOM 123 COMPET 462 CODEC 1467

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 114 of the TFEU)

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

"The Commission regrets the adoption of Article 41(3) and the corresponding recital 53 that have 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 Commission
on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups**

"With regard to the recital 54 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."

d) **Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (Recast)**

PE-CONS 50/13 ENT 186 MI 544 CONSOM 124 COMPET 465 CODEC 1473

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 114 of the TFEU)

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

"The Commission regrets the adoption of Article 41(4) and the corresponding recital 42 that have 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 Commission
on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups**

"With regard to the recital 43 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."

e) **Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (Recast)**

PE-CONS 51/13 ENT 187 MI 547 CONSOM 125 COMPET467 CODEC 1476

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 114 of the TFEU)

Statement by the Commission on the Competence of the Committee

"The Commission regrets the adoption of Article 46(5) and the corresponding recital 56 that have 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 Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups

"With regard to the recital 57 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."

f) **Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (Recast)**

PE-CONS 52/13 ENT 188 MI 548 CONSOM 126 COMPET 468 CODEC 1478

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 114 of the TFEU)

Statement by the Commission
on the Competence of the Committee

"The Commission regrets the adoption of Article 42(5) and the corresponding recital 44 that have 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 Commission
on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups

"With regard to the recital 45 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."

g) **Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (Recast)**

PE-CONS 53/13 ENT 189 MI 549 CONSOM 127 COMPET 469 CODEC 1480

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 114 of the TFEU)

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

"The Commission regrets the adoption of Article 39(5) and the corresponding recital 45 that have 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 Commission
on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups**

"With regard to the recital 46 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."

h) Directive of the European Parliament and of the Council on the harmonisation of the laws of Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (Recast)

PE-CONS 54/13 ENT 190 MI 550 CONSOM 128 COMPET 470 CODEC 1481

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 114 of the TFEU)

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

"The Commission regrets the adoption of Article 23(4) and the corresponding recital 32 that have 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 Commission
on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups**

"With regard to the recital 33 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."

Statement by Austria and Germany

"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.

Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."

9. Council Decision authorising France to apply a reduced rate of certain indirect taxes on "traditional" rum produced in Guadeloupe, French Guiana, Martinique and Réunion and repealing Decision 2007/659/EC (LA)

6240/14 POSEIDOM 3 REGIO 15
+ COR 1 (en)

The Council adopted the above Decision, with the abstention of the United Kingdom delegation. (Legal basis: Article 349 of the TFEU)

"B" ITEMS

6. Any other business

Internal Market and Industry

(f) Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large companies and groups [First reading]

Interinstitutional file: 2013/0110 (COD)

- Information from the Presidency

This item was removed from the agenda.

(g) Proposal for a Directive of the European Parliament and of the Council on electronic invoicing in public procurement [First reading]

Interinstitutional file: 2013/0213 (COD)

- Information from the Presidency

6305/14 MAP 15 COMPET 85 MI 139 EF 48 ECOFIN 130 TELECOM 37
CODEC 354

The Council took note of the information from the Presidency about the successful conclusion of a political agreement with Parliament on this file, which will be adopted before the end of the Greek Presidency.

(h) Proposal for a Council Regulation on the Statute for a European Foundation

Interinstitutional file: 2012/0022 (APP)

- State of play

The Council took note of the information provided by the Presidency and by the Commission.

10. Any other business

Research

- (a) **Proposals for Decisions of the European Parliament and of the Council on the Participation by the European Union in a second phase of several programmes undertaken by several Member States under Article 185 [First reading]**

Interinstitutional files: 2013/0242 (COD), 2013/0232 (COD), 2013/0243 (COD), 2013/0233 (COD)

- Information from the Presidency

The Council took note of the information provided by the Presidency.

- (e) **Proposal for a Decision of the European Parliament and the Council, establishing a Space Surveillance and Tracking Support Programme [First reading]**

Interinstitutional file: 2013/0064 (COD)

- Information from the Presidency

The Council took note of the information provided by the Presidency.

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(in accordance with Article 8(2) of the Council's Rules of Procedure (proposed by the Presidency))

10. Any other business

- (b) **Proposals for Council Regulations on several Joint Technology Initiatives Joint Undertakings (JTI JUs) under Article 187**

- Information from the Presidency

The Council took note of the information provided by the Presidency.
