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DRAFT MINUTES

Subject: **3302nd** meeting of the Council of the European Union(**ECONOMIC AND FINANCIAL AFFAIRS**) held in Brussels on 11 March 2014

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

- 1. Regulation of the European Parliament and of the Council on amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability [First reading] (LA)**

PE-CONS 28/14 PECHE 49 CADREFIN 20 CODEC 292

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 43(2) of the TFEU)

- 2. Regulation of the European Parliament and of the Council on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC [First reading] (LA+S)**

PE-CONS 116/13 TELECOM 311 AUDIO 115 CODEC 2614

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 172 of the TFEU)

Statement by the Commission

"The Commission takes note of the agreement reached by co-legislators, on Article 8(2)(e) of the Regulation. However, the Commission considers that this provision does not in any way affect its prerogatives and the exercise of its implementing powers in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers."

3. Council Decision amending Decision 2009/831/EC as regards its period of application (LA)

6940/14 POSEIMA 2 REGIO 22 UD 51

The Council adopted the above Decision. (Legal basis: Article 349 of the Treaty on the functioning of the European Union)

4. Council Decision amending Decision 2004/162/EC with regard to its implementation in Mayotte from January 2014 (LA)

6965/14 POSEIDOM 6 REGIO 23
+ COR 1 (sv)

The Council adopted the above Decision. (Legal basis: Article 349 of the Treaty on the functioning of the European Union)

5. Regulation of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II) [First reading] (LA+S)

PE-CONS 123/13 ELARG 159 PESC 1483 RELEX 1125 FIN 909
CADREFIN 350 COWEB 180 CODEC 2851
+ REV 2 (da,el,et,fr,lv,pl)

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 United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 212(2) of the TFEU)

**Declaration by the European Commission
on the strategic dialogue with the European Parliament¹**

"On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue."

**Joint Declaration by the European Parliament, the Council of the European Union and
the European Commission
concerning the funding of horizontal programmes for minorities**

"The European Parliament, the Council of the European Union and the European Commission agree that point (ii) of point (a) of Article 2(1) of Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)⁺ is to be interpreted as allowing the funding of programmes aimed at enhancing respect for and protection of minorities in line with the Copenhagen criteria, as it was the case under Regulation (EC) No 1085/2006 of the Council of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)."

¹ The European Commission will be represented at the responsible Commissioner level.

* Where applicable.

Declaration by the European Commission

on the use of implementing acts for laying down provisions for the implementation of certain rules in Regulation No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)

"The European Commission considers that the rules for implementing cross-border cooperation programmes as set out in Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and other specific, more detailed implementing rules in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II), aim at supplementing the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The European Commission will not oppose the adoption of the text as agreed by the co-legislators. Nevertheless, the European Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice of the European Union in the "biocides" case."

6. Regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument [First reading] (LA+S)

PE-CONS 126/13 COEST 391 COMAG 124 PESC 1487 RELEX 1131 FIN 913
CADREFIN 353 DEVGEM 321 CODEC 2867

+ COR 1 (bg,de,fi,fr,lv,pl,pt,sv)

+ REV 2 (el)

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 United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 209(1) and 212(2) of the TFEU)

Declaration by the European Commission
on the strategic dialogue with the European Parliament¹

"On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

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The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue."

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¹ The European Commission will be represented at the responsible Commissioner level.

* Where applicable.

7. Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation for the period 2014-2020
[First reading] (LA+S)

PE-CONS 127/13 DEVGEN 322 ACP 198 RELEX 1133 FIN 915 NIS 79
PESC 1489 CADREFIN 354 COHOM 275 CODEC 2868
+ COR 1 (et)

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 United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 209(1) and 212(2) of the TFEU)

Declaration by the European Commission
on the strategic dialogue with the European Parliament¹

"On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue."

¹ The European Commission will be represented at the responsible Commissioner level.

* Where applicable.

Declaration by the European Parliament, the Council of the European Union and the European Commission
on Article 5(2)(ii)(b)

"With regard to the application of point (ii) of point (b) of Article 5(2) Regulation No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument for development cooperation for the period 2014-2020 at the time of entry into force of that Regulation, the following partner countries are considered eligible for bilateral cooperation, as exceptional cases, including in view of the phasing out of development grant aid: Cuba, Colombia, Ecuador, Peru and South Africa."

Declaration by the European Commission
on Article 5(2)(ii)(b)

"The European Commission will seek the views of the European Parliament before changing the application of point (ii) of point (b) of Article 5(2) of Regulation No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument for development cooperation for the period 2014-2020."

Declaration by the European Commission
on allocation for basic services

"The Regulation No 233/2014 of the European Parliament and of the Council of ... establishing an instrument for development cooperation for the period 2014-2020 should enable the Union to contribute to fulfilling the joint Union commitment of providing continued support for human development to improve people's lives in line with the Millennium Development Goals. At least 20 % of allocated assistance under that Regulation will be allocated to basic social services, with a focus on health and education, and to secondary education, recognising that a degree of flexibility must be the norm, such as cases where exceptional assistance is involved. Data concerning the respect of this declaration will be included in the annual report referred to in Article 13 of the Regulation No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instrument for financing external action."

Statement by Malta

"Malta considers the Development Co-operation Instrument as an important instrument critical to increase the effectiveness of the EU development cooperation. It is imperative that EU development policy takes into consideration a changing world, the emergence of new donors, and new challenges in formulating and developing its assistance. The promotion of human rights, democracy and good governance should always remain central to this policy together with inclusive and sustainable growth.

In this context, Malta reiterates its position that any recommendation or commitment made by the European Union related to Development Assistance should not in any way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities."

8. Regulation of the European Parliament and of the Council establishing a Partnership Instrument for cooperation with third countries [First reading] (LA+S)

PE-CONS 128/13 COASI 178 ASIE 55 DEVGEN 326 RELEX 1134
COMEM 277 COLAC 29 COEST 392 CADREFIN 355
CODEC 2869

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 United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 207(2), 209(2) and 212(2) of the TFEU)

**Declaration by the European Commission
on the strategic dialogue with the European Parliament¹**

"On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

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The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue."

¹ The European Commission will be represented at the responsible Commissioner level.

* Where applicable.

9. Regulation of the European Parliament and of the Council establishing a financing instrument for democracy and human rights worldwide [First reading] (LA+S)

PE-CONS 129/13 COHOM 276 DEVGEN 324 PESC 1497 ACP 199

RELEX 1136 FIN 924 NIS 80 CADREFIN 361 CODEC 2877

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 United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 209 and 212 of the TFEU)

Declaration by the European Commission on the strategic dialogue with the European Parliament¹

"On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

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The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue."

¹ The European Commission will be represented at the responsible Commissioner level

* Where applicable.

Joint Declaration of the European Parliament, the Council of the European Union and the European Commission
on Election Observation Missions

"The European Parliament, the Council of the European Union and the European Commission underline the important contribution of European Union Election Observation Missions (EU EOMs) to Union external relations policy supporting democracy in partner countries. EU EOMs contribute to increase transparency and confidence in electoral processes, and provide an informed assessment of elections as well as recommendations for their further improvement, in the context of Union cooperation and political dialogue with partner countries. In this regard, the European Parliament, the Council of the European Union and the European Commission agree that up to 25 % of the budget over the period 2014-2020 of the Regulation EU No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financial instrument for democracy and human rights worldwide should be devoted to the funding of EU EOMs, depending on annual election priorities."

10. Regulation of the European Parliament and of the Council establishing an Instrument contributing to stability and peace [First reading] (LA+S)

PE-CONS 110/13 PESC 1291 RELEX 961 DEVGEN 269 FIN 680 ACP 164
CADREFIN 271 CODUN 54 CODEC 2382

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 United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 209(1) and 212 of the TFEU)

Declaration by the European Commission
on the strategic dialogue with the European Parliament¹

"On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

¹ The European Commission will be represented at the responsible Commissioner level

* Where applicable.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue."

11. Regulation of the European Parliament and of the Council laying down common rules and procedures for the implementation of the Union's instruments for financing external action [First reading] (LA+S)

PE-CONS 130/13 RELEX 1137 FIN 925 DEVGEN 325 ACP 200
CADREFIN 362 COHOM 277 COEST 394 COLAC 30
COMEM 279 ASIE 56 COASI 179 WTO 332 CODEC 2878
+ COR 1 (sl)

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 United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 209(1) and 212(2) of the TFEU)

Declaration of the European Commission

on the use of implementing acts for laying down provisions for the implementation of certain rules in Regulation No. 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)

"The European Commission considers that the rules for implementing cross-border cooperation programmes as set out in Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and other specific, more detailed implementing rules in Regulation (EU) No. 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II), aim at supplementing the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The European Commission will not oppose the adoption of the text as agreed by the co-legislators. Nevertheless, the European Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice of the European Union in the "biocides" case."

European Commission declaration concerning “reflows”

"In line with the obligations set out in Article 21(5) of the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, the European Commission will include in the draft budget a line accommodating internal assigned revenues and wherever possible, it will indicate the amount of such revenue.

The budgetary authority will be informed about the amount of the accumulated resources every year during the planning process of the budget. Internal assigned revenues will be included in the draft budget only to the extent that their amount is certain."

Declaration of the United Kingdom, Germany, Ireland, Sweden, Austria, Denmark, Finland, Czech Republic and the Netherlands

"The UK, Germany, Ireland, Sweden, Austria, Denmark, Finland, Czech Republic and the Netherlands consider that Article 4(6) of the Common Implementing Regulation should be interpreted in full conformity with article 140(6) 2nd and 3rd sub-paragraphs of the Financial Regulation. The above-mentioned Member States consider that revenues, including dividends, capital gains, guarantee fees and interest on loans and on amounts on fiduciary accounts paid back to the Commission and other revenues mentioned in Art. 140(6) 2nd paragraph are not covered by the derogation in sub paragraph 3 of that article and must therefore be entered into the general budget of the EU after deduction of management costs. Furthermore, the above-mentioned Member States do not consider that Article 21(4) of the financial regulation provides the basis for such a derogation. The above-mentioned Member States therefore expect the Commission to implement article 4(6) in this sense, and reserve their rights in this regard."

- 12. Regulation of the European Parliament and of the Council establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the "Pericles 2020" programme) and repealing Council Decisions 2001/923/EC, 2001/924/EC, 2006/75/EC, 2006/76/EC, 2006/849/EC and 2006/850/EC [First reading] (LA)**

PE-CONS 28/13 GAF 23 FIN 297 CADREFIN 122 CODEC 1207

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 133 of the TFEU)

13. Regulation of the European Parliament and of the Council on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC [First reading] (LA+S)

PE-CONS 105/13 SAN 399 PHARM 58 MI 903 CADREFIN 266 CODEC 2329

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 delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 168(5) 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, paragraph 4, second subparagraph, 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, paragraph 4, recourse to second subparagraph, 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. Moreover, the Commission stresses that the recourse to this provision is with no precedent value to other financial instruments under the MFF 2014-2020."

"B" ITEMS

7. **Savings taxation**

- **Proposal for a Council Directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments**
 - = Adoption
 - 7057/14 FISC 45
 - 17162/13 FISC 244
 - + COR 1

Ministers agreed that, once the European Council has politically endorsed the Savings Directive, the formal adoption will take place at a subsequent Council formation before the end of March 2014.

8. **Any other business**

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

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

9. **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**
 - = Consideration of the European Parliament's amendments in preparation for political agreement
 - 7188/14 EF 65 ECOFIN 213 CODEC 628

The Council had a discussion on the basis of a Presidency report and agreed a final mandate for the Presidency (with a view to concluding negotiations in the political trilogues of 12 and 19 March). It was agreed that the Presidency would proceed in accordance with its mandate, as amended. The President invited the President of the Eurogroup to attend those two trilogues.