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## DRAFT MINUTES

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Subject: **3334th** meeting of the Council of the European Union (**GENERAL AFFAIRS**) held in Brussels on 29 September 2014

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<sup>1</sup> Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

## **LEGISLATIVE DELIBERATIONS**

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

- 1. Regulation of the European Parliament and of the Council on the statute and funding of European political parties and European political foundations [First reading] (LA+S)**  
PE-CONS 62/14 INST 145 PE 133 FIN 186 CODEC 666  
+ COR 1 (pl)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Netherlands and United Kingdom delegations voting against and the Belgian delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 224 of the TFEU).

### **Statement by the Netherlands**

"The Netherlands considers the current proposal as a significant improvement compared to the original proposal of September 2012.

Despite this, the Netherlands has strong fundamental objections against the assessment of the EU's values in the process of registration and verification of the European political parties. The Netherlands attaches great value to the independent position of political parties. The Netherlands is of the opinion that it is primarily up to the voters and secondarily to the judiciary to assess the programme and activities of political parties. Such an assessment should not be part of the registration and verification process.

Therefore, the Netherlands will vote against the proposals concerned."

### **Statement by Belgium**

"While in favour of developing a European political area and strengthening European political parties, Belgium cannot support the draft Regulation submitted for adoption to the Council by the Presidency.

Belgium deplores the uncertainty which is still present, under Articles 17 and 18, in relation to the possible repercussions of European political parties' campaigns in the context of European elections on the application of national legislation on election expenses. We would point out that under the terms of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage, national provisions continue to govern the electoral procedure in each Member State.

Furthermore, Belgium cannot agree with raising the ceiling for donations to EUR 18 000."

### **Statement by Italy, Portugal and Slovakia**

"While acknowledging the importance of adopting the proposal for a regulation of the European Parliament and of the Council on the statute and funding of European Political Parties and European Political Foundations within the current legislature, Italy, Portugal and Slovakia would like to express their concerns over the composition of the "Authority" foreseen in Article 6 which as it stands is placed in the hands of one single person.

Italy, Portugal and Slovakia believe that such a composition is not consistent with the highly sensitive decisions the Authority is going to be entrusted with, which include: a) registration/de-registration of European political parties and European Political Foundations as foreseen by Articles 6, 7, 9, 10, 27(1); b) imposing financial sanctions on European political parties and European Political Foundations in the cases foreseen by Article 27 (2). Italy, Portugal and Slovakia observe that such a solution represents a major shift with respect to the current discipline of Regulation 2004/2003 where such responsibilities, far from being conferred upon a single person, are entrusted to the European Parliament.

In particular, Italy, Portugal and Slovakia would like to express their deep concern over the lack of adequate checks and balances for the hypothesis that the "Authority"- contrary to the opinion of the Committee of independent eminent Persons foreseen in article 11 - decides not to de-register a EPP/EPF which would have been found in breach of the values on which the European Union is founded as referred in articles 3(1)(c) and 3(2)(c)."

### **Statement by the United Kingdom**

"While this regulation brings some improvements in terms of the capacity for European Political Parties to be funded through voluntary contributions rather than public money, and introduces some safeguards for political plurality, it does not go far enough. The introduction of a completely unnecessary so-called "European legal personality" for European Political Parties will do nothing to address the EU's democratic deficit. Enhancing the role of national parliaments in a European context will remain the most effective way to address this issue."

### **Statement by France**

"France welcomes the agreement reached on the Regulation on the statute and funding of European political parties and European political foundations. France recalls the importance it attaches to the principle set out in Article 21 of the Regulation whereby the rules on the funding and limitation of election expenses for national political parties and candidates continue to be governed by applicable national law. It wishes to point out, in particular, that the applicable rules of its national law prohibit the funding of political parties and candidates by legal persons. France also wishes to see strict application of the provisions of Article 22 stipulating that European political parties may not provide direct or indirect funding for national political parties or candidates. Lastly, France wishes to stress that the right to object, conferred on the European Parliament in the context of the procedure for registering and controlling European political parties, is aimed at fulfilling the specific requirements of this Regulation. It should not therefore be regarded as granting the European Parliament implementing powers within the meaning of Article 291 TFEU."

**2. Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 966/2012 as regards the financing of European political parties [First reading] (LA+S)**

PE-CONS 68/14 FIN 267 INST 149 PE 232 CODEC 756

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Netherlands and United Kingdom delegations voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 322 of the TFEU and Article 106a of the Treaty establishing the European Atomic Energy Community).

**Statement by the Netherlands**

"The Netherlands considers the current proposal as a significant improvement compared to the original proposal of September 2012.

Despite this, the Netherlands has strong fundamental objections against the assessment of the EU's values in the process of registration and verification of the European political parties. The Netherlands attaches great value to the independent position of political parties. The Netherlands is of the opinion that it is primarily up to the voters and secondarily to the judiciary to assess the programme and activities of political parties. Such an assessment should not be part of the registration and verification process.

Therefore, the Netherlands will vote against the proposals concerned."

**3. 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] (LA+S)**

PE-CONS 47/14 DRS 31 COMPET 143 ECOFIN 201 SOC 162 CODEC 593

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Estonian delegation voting against and the Spanish delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 50(1) of the TFEU).

**Statement by the European Commission**

"The Commission notes that the co-legislators have included in the final compromise text a provision according to which the Commission would be required to produce guidelines after consultation of stakeholders, within 24 months of the entry into force of the Directive.

While recognising the usefulness of such guidance, the Commission is of the view that the adoption of non-binding guidelines by the Commission should not be subject to procedural obligations laid down in the legislative act since the Commission has its own autonomous right under the Treaty to issue such guidance. Thus, the Commission considers that the obligation to consult stakeholders laid down in Article 2 cannot affect this right.

For these reasons, the Commission notes that this wording is without prejudice to the position the Commission may take on similar matters in the future."

### **Joint statement by Belgium, Denmark, France and Slovenia**

"The delegations of Belgium, Denmark, France and Slovenia welcome the compromise found by the Council and the European Parliament in the trilogue on the Non-Financial Reporting Directive, and we thank the Lithuanian and Greek Presidencies for their efforts in achieving this. The compromise paves the way to the final adoption of the text which will represent an important first step towards more transparency from European companies on non-financial information in the transition to a sustainable global economy.

Contrary to the initial proposal of the Commission, the text does not include in its scope large unlisted companies although their activities may have a substantial impact in the social and environmental field or in the field of human rights. A scope encompassing large listed and unlisted companies is also essential to ensure a level playing field between companies and to avoid creating wrong incentives with regards to the access to financial markets while helping promote best practices.

Furthermore, the text does not provide for a requirement imposing a country-by-country reporting for large European companies and groups, despite the clear political mandate given by the European Council in its conclusions of 22 May 2013.

We regret that it was not possible to achieve this under the current negotiations, but welcome the possibility of addressing these issues when the directive will be reviewed. We consider that the compromise should be regarded as a first step to a fully achieved text which would strengthen transparency and ensure an efficient reporting for all large European companies, which is essential for ensuring the trust of EU citizens in European corporates as well as contributing to sustainable growth and a competitive EU. Belgium, Denmark, France and Slovenia will continue to support this objective in the future."

### **Statement by the Netherlands**

"The Netherlands votes in favour of the adoption of the Directive because it creates a desirable level playing field regarding the disclosure of non-financial information by large undertakings which are public-interest entities.

The Netherlands however is of the opinion that the part of the Directive that requires large listed undertakings to disclose their diversity policy for their administrative, management and supervisory bodies or explain why no such policy is applied, is not in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. The Netherlands is of the opinion that it should be left to the Member States to decide whether, and if so how, they want to take measures to make the board of undertakings more diverse."

#### 4. Regulation of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species

[First reading] (LA+S)

PE-CONS 70/14 ENV 265 AGRI 196 PECHE 137 FORETS 30 RECH 114  
UD 80 COMER 84 REGIO 35 TRANS 142 SAN 130 CODEC 762  
+ REV 1 (hr)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Bulgarian, German and Romanian delegations abstaining and the Hungarian delegation voting against, 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 Hungary**

"The list of species of Union concern also determines the fundamental obligations linked to their management, so it is crucial that the list be transparent and predictable, and established through a procedure which fully complies with all the requirements laid down in the Regulation.

In accordance with article 4 (6) and the related recital 12, Hungary highlights that due consideration must be given to the social and economic aspects, and to the implementation costs for the Member States. In this regard special attention should be given to species – such as false acacia (*Robinia pseudoacacia*) - that are widely used and provide significant socio-economic benefits for a Member State.

Based on the above, Hungary's position regarding false acacia is that this species is not to be included in the Union list and its management should be maintained under the scope of national legislation."

##### **Statement by Romania**

"Romania considers that the final text of the regulation *on the prevention and management of the introduction and spread of invasive alien species* is not fully in line with the principles of subsidiarity and proportionality, in particular as regards the invasive alien species of regional concern.

Romania supports the role of the European Commission as facilitator for cooperation and coordination. It considers nevertheless that the adoption of an implementing act in this context is conflicting with the subsidiarity principle and the voluntary nature of the cooperation among Member States.

Moreover, Romania considers that taking measures to avoid the spread of native species is disproportionate, in particular where these species are not problematic for the country of origin, being naturally integrated and controlled within the ecosystems.

Therefore, Romania cannot support the final text of the regulation and abstains from its adoption."

### **Statement by Denmark and Finland**

"Denmark and Finland welcome the regulation on the prevention and management of the introduction and spread of invasive alien species.

In relation to the list of invasive alien species of Union concern to be adopted by the Commission in accordance with Article 4, Denmark and Finland note that socio-economic impacts will be an integral part of the analysis and procedure on the basis of which species will be listed and that according to Article 4(6) and related recital 12 due consideration should be given to the implementation cost for the Member States and that special attention in this regard should be given to species - such as the American Mink - that are widely used and provides significant socio-economic benefits in a Member State.

In this context and in light of the assurances given during the negotiations of the regulation, Denmark and Finland are confident that the American Mink will not be included in the list."

### **5. Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure [First reading] (LA+S)**

PE-CONS 79/14 TRANS 184 AVIATION 90 MAR 63 ENER 148 ENV 330  
IND 124 RECH 135 CAB 14 CODEC 944  
+ REV 1 (It)

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 91 of the TFEU).

### **Statements by the Commission:**

#### **– regarding the deadlines for the deployment of LNG**

"The Commission very much regrets that the legislator could not agree on the date of 31 December 2020 for deploying LNG infrastructure in maritime ports. This date is critical to help industry to meet the requirements set by Directive 2012/33/EU as regards the sulphur content of marine fuels in SO<sub>x</sub> Emission Control Areas as of 1 January 2015 and outside SO<sub>x</sub> Emission Control Areas as of 1 January 2020. Regarding inland waterway ports, the Commission believes that technology is already available now to equip inland waterway vessels with engines fuelled by LNG at reasonable cost. This technology plays an important role in rendering the inland waterway sector more environmental friendly and less dependent on oil. The Commission has therefore called for the deployment of LNG infrastructure in inland ports by 31 December 2025 the very latest."



– **regarding the information of the European Parliament on the preparation and the implementation of delegated acts**

"With regard to the possibility of the European Parliament to be invited to meetings, the Commission will implement this recital (61) 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."

– **on the non-opinion clause**

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 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."

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