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## DRAFT MINUTES

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Subject: **3392nd** meeting of the Council of the European Union  
**(COMPETITIVENESS (Internal Market, Industry, Research and Space))**  
held in Brussels on 28 and 29 May 2015

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INTERNAL MARKET AND INDUSTRY

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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 the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway (codification) [First reading] (LA)**

PE-CONS 14/15 CODIF 42 ECO 35 INST 89 MI 185 CODEC 402

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 207(2) of the TFEU).

- 2. Regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part (codification) [First reading] (LA)**

PE-CONS 16/15 CODIF 44 ECO 37 INST 91 MI 187 CODEC 405

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 207(2) of the TFEU).

- 3. Regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part (codification) [First reading] (LA)**

PE-CONS 17/15 CODIF 45 ECO 38 INST 92 MI 188 CODEC 406

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 207(2) of the TFEU).

**4. Regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part (codification) [First reading] (LA)**

PE-CONS 18/15 CODIF 46 ECO 40 INST 98 MI 192 CODEC 419

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 207(2) of the TFEU).

**5. Regulation of the European Parliament and of the Council on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules (recast) [First reading] (LA)**

PE-CONS 12/15 STIS 7 TEXT 2 WTO 53 CODIF 27 CODEC 248

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 207(2) of the TFEU).

**6. Regulation of the European Parliament and of the Council repealing Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries [First reading] (LA)**

PE-CONS 13/15 STIS 9 TEXT 5 WTO 66 CODEC 325

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 207(2) of the TFEU).

**4. Proposal for a Directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC [First reading]**

*(Legal basis proposed by the Commission: Article 114 TFEU)*

*Interinstitutional file: 2013/0246 (COD)*

– Political agreement

12257/13 CONSUM 140 MI 635 TOUR 3 JUSTCIV 167 CODEC 1764

+ REV 1 (de)

+ COR 1

8537/15 CONSUM 74 MI 286 TOUR 5 JUSTCIV 95 CODEC 6448969/15

CONSUM 82 MI 319 TOUR 7 JUSTCIV 119 CODEC 732

8969/15 CONSUM 82 MI 319 TOUR 7 JUSTCIV 119 CODEC 732

+ COR 1

The Council by qualified majority adopted the political agreement set out in doc. 8969/15.

Seven Member States voted against (AT, BE, EE, IE, MT, NL and SK) and made the statements as set out hereafter.

**Statement by Belgium, Estonia, Ireland, Malta, The Netherlands and Slovakia**

1. We do acknowledge that the old package travel directive is in need of revision due to enormous changes in the travel market. We support the improvement of consumer protection, where needed, e.g. in the field of dynamic packages. We also support insolvency protection where packages are concerned.
2. However, we do have questions regarding the way this revision has worked out. Regulation needs to be smart and self-explanatory and must be enforceable. We have strong doubts whether this is the case with this proposal.
3. A first point we want to raise regards the level of harmonization. The directive states that the target is maximum harmonization. In reality however there are numerous enabling clauses inserted allowing all kinds of derogations or choices. This is not the way forward to create an internal market for package travels.
4. A second point is that, although we acknowledge that there is a difference between a package, a linked travel arrangement (LTA) and single travel services, the real problem is that providers and/or consumers might not be aware of the fact that they are selling/buying a package, a LTA or none or both. However, in the two former cases all kinds of legal rights and obligations are becoming applicable and in those cases a provider has to take out insolvency protection. To make things more complicated, different protections apply depending on the product sold which in the end might even result in the same protection being taken out twice, which has of course a bearing on the price the traveller has to pay.

5. Another point is that the tourist industry consists mainly of a great number of small and medium sized enterprises (SMEs. These SMEs will bear the brunt of the problems connected with packages, LTAs and travel services sold separately. In special cases they might even be obliged to take out insolvency protection on behalf of a far larger provider than themselves. Regarding this point, a level playing field with third country operators is also important. Yet the mandatory insolvency protection requirement for third country operators is unenforceable and consequently may distort competition. Furthermore, the proposal's potential for negative impact on airline services is also a concern, in particular for Member States whose tourism sector is more dependent on air transport. Given all this we fear that this proposal will not contribute to a more thriving tourist industry.
6. In our view, aspects of this proposal are at odds with the aims of the Digital Single Market Strategy which seeks to overcome barriers to the full utilization of the internet and digital technologies for the benefit of consumers and businesses alike. The proposal risks stifling innovation and hindering the competitiveness of our tourism sector, ultimately creating higher prices and less choice for consumers.
7. All the above indicates that the compromise proposals do not contribute to a workable and enforceable solution. Nor is it contributing to a thriving and flourishing tourist industry, an industry dominated by SMEs. Therefore we cannot support this proposal."

### **Statement by Austria**

"Clear, simple, practical and necessary legislation should lie at the core of EU policy making. This is especially important for small and medium sized enterprises which usually do not have the means for an advanced legal expertise and therefore often struggle to keep track of legislative changes. In that sense, smart regulation plays a crucial role for our economic framework conditions.

The tourism sector contributes a substantial share to the Austrian GDP and is therefore of utmost economical importance. We still have severe doubts on the final text and we fear that it provides severe ramifications for small and medium sized accommodation providers.

Service providers offering accommodation often deal with customer decisions for certain separate services after the customer has already agreed to pay the accommodation without a certain offer by the service provider. These issues have frequently been raised by AT on a technical and political level, also in writing. However, the final wording still not clear enough.

Therefore Austria cannot support today's political agreement."

## 5. Product Safety Package

- a) **Proposal for a Regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC [First reading]**

*(Legal basis proposed by the Commission: Article 114 TFEU)*

*Interinstitutional file: 2013/0049 (COD)*

5892/13 ENT 30 MI 66 CONSOM 15 COMPET 89 CODEC 191 UD 48

CHIMIE 22 COMER 45

+ COR 1

9096/15 ENT 91 MI 337 CONSOM 87 COMPET 242 CODEC 760 UD 119

CHIMIE 28 COMER 72

- b) **Proposal for a Regulation of the European Parliament and of the Council on market surveillance of products and amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EU) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council [First reading]**

*(Legal basis proposed by the Commission: Articles 114 and 207 TFEU)*

*Interinstitutional file: 2013/0048 (COD)*

5890/13 ENT 29 MI 65 CONSOM 14 COMPET 88 CODEC 190 UD 46

CHIMIE 21 COMER 44

+ COR 1 (ro)

+ COR 2

+ REV 1 (pt)

9095/15 ENT 90 MI 336 CONSOM 86 COMPET 241 CODEC 759 UD 118

CHIMIE 27 COMER 71

- General approach

9101/15 ENT 92 MI 338 CONSOM 88 COMPET 243 CODEC 761 UD 120

CHIMIE 29 COMER 73

The Council had an exchange of views, but did not agree a general approach.

## 6. Proposal for a Directive of the European Parliament and of the Council on single-member private limited liability companies [First reading]

*(Legal basis proposed by the Commission: Article 50 TFEU)*

*Interinstitutional file: 2014/0120 (COD)*

- General approach

8842/14 DRS 52 CODEC 1088

+ ADD 1

+ ADD 2

8811/15 DRS 39 CODEC 706

The Council agreed on the general approach as set out in doc. 9050/15.



## 8. Any other business

### a) Current legislative proposal

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

- **Trade mark Package [First reading]**

- i) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark

*Interinstitutional file: 2013/0088 (COD)*

8065/13 PI 51 CODEC 710

+ REV 1 (es)

- ii) Proposal for a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast)

*Interinstitutional file: 2013/0089 (COD)*

8066/13 RI 52 CODEC 711

+ REV 1 (de)

- Information from the Presidency

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

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