



Council of the
European Union

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ADD 1

PV/CONS 62
AGRI 603
PECHE 432

DRAFT MINUTES

Subject: **3425th** meeting of the Council of the European Union
(**AGRICULTURE AND FISHERIES**) held in Brussels on 16 November 2015

PUBLIC DELIBERATION ITEMS¹

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2. Regulation of the European Parliament and of the Council on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 [First reading] (LA+S) 3
3. Directive of the European Parliament and of the Council on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC [First reading] (LA+S)..... 4
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¹ Deliberations on Union legislative acts (Article 16(8) of the TEU), 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)

'A' ITEMS

- 1. Regulation of the European Parliament and of the Council repealing Council Directive 76/621/EEC relating to the fixing of the maximum level of erucic acid in oils and fats and Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry [First reading] (LA)**
PE-CONS 53/15 AGRI 489 AGRIORG 68 AGRIFIN 83 CODEC 1245

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) and Article 114 of the TFEU).

- 2. Regulation of the European Parliament and of the Council on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 [First reading] (LA+S)**
PE-CONS 38/15 DENLEG 90 AGRI 362 CODEC 956

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

Commission statement

'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.'

3. Directive of the European Parliament and of the Council on payment services in the internal market and amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC [First reading] (LA+S)

PE-CONS 35/15 EF 104 ECOFIN 459 CONSOM 102 CODEC 843

+ REV 1 (hr)

+ REV 2 (sk)

The Council approved the European Parliament's position at first reading and the proposed act was adopted, with the Luxembourg delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

Statement by Luxembourg

'The first payment services directive (2007/64/EC) provided the legal basis for the creation of an EU-wide single market for payments and put in place a single passport for payment services providers.

The new payment services directive which repeals directive 2007/64/EC, undermines the passporting regime established by directive 2007/64/EC and the principle of home Member State supervision, and thereby reintroduces potential for market fragmentation. Such development in the area of cross-border supervision of payment institutions is in contradiction with the aim of the initial proposal which is to help developing an EU-wide market for electronic payments, and runs counter to the existing achievements in other financial services legislation. Luxembourg considers that the text does not reflect a coherent approach on cross-border supervision and on the respective balance between the powers of home and host competent authorities with regard to other financial services files.

In light of the above, Luxembourg votes against the new payment services directive.'

Statement by France

'France, concerned about the comprehensibility of the Payment Services Directive, specifies that the concept of card payment 'schémas' ('schemes'), used in the French version of the Directive, must be understood as relating to card payment 'systèmes' ('systems'), in accordance with the French version of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market, and with usage in the French language.'

4. Regulation of the European Parliament and of the Council on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 [First reading] (LA)

PE-CONS 41/15 EF 131 ECOFIN 564 CODEC 970
+ COR 1 (lt)

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

5. Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA [First reading] (LA+S)

PE-CONS 45/15 ENFOPOL 188 CODEC 978

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and United Kingdom delegations did not participate in the vote. (Legal basis: point (b) of Article 87(2) of the TFEU).

Statement by the European Parliament, the Council and the Commission

'It is noted that as a consequence of the application of Protocol No 22 pursuant to which Denmark is not bound by the CEPOL Regulation which replaces the previous CEPOL Decision, as soon as the Regulation becomes applicable, Denmark will no longer be participating in CEPOL.'

Statement by the European Parliament and the Council

'The European Parliament and the Council declare that the governance structure and provisions put in place for this Agency are custom-made and case-specific. The relevant provisions of Chapters III and V of this Regulation should therefore be without prejudice to any future legislative acts in relation to other agencies in the field of justice and home affairs.'

NON-LEGISLATIVE ACTIVITIES

'B' ITEMS

7. Any other business

(d) **Current legislative proposal**

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

- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments **(First reading)**

Interinstitutional File: 2014/0014 (COD)

– Information from the Presidency

13962/15 AGRI 591 AGRIFIN 105 AGRIORG 90 CODEC 1501

(e) **Proposal for a Council Regulation amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products**

– Information from the Presidency

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)⁽¹⁾

13962/15 AGRI 591 AGRIFIN 105 AGRIORG 90 CODEC 1501

With regard to sub-items 7 (d) and (e), the Council took note of the information provided by the Presidency on the state of play and of the remarks of most of the delegations, and expressed its support for the Presidency continuing its contacts with the European Parliament.