



Council of the  
European Union

**Brussels, 16 March 2015  
(OR. en)**

**6735/15  
ADD 1**

**PV/CONS 8  
COMPET 102  
RECH 68  
ESPACE 4**

**DRAFT MINUTES**

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Subject: **3371st** meeting of the Council of the European Union  
**(COMPETITIVENESS (Internal Market, Industry, Research and Space))**  
held in Brussels on 2 and 3 March 2015

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

PE-CONS 98/14 CODIF 72 ECO 185 INST 629 MI 1002 CODEC 2512

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 the measures that the Union may take following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters (codification) [First reading] (LA)**

PE-CONS 99/14 CODIF 73 ECO 186 INST 630 MI 1003 CODEC 2513

+ REV 1 (et)

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 measures that the Union may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures (codification) [First reading] (LA)**

PE-CONS 100/14 CODIF 74 ECO 187 INST 631 MI 1004 CODEC 2514

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 common rules for imports (codification) [First reading] (LA)**

PE-CONS 101/14 CODIF 75 ECO 188 INST 632 MI 1005 CODEC 2516

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 exports (codification) [First reading] (LA)**

PE-CONS 102/14 CODIF 76 ECO 189 INST 633 MI 1006 CODEC 2517

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. Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences [First reading] (LA + S)**

PE-CONS 103/14 TRANS 606 DAPIX 191 ENFOPOL 440 CODEC 2551

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 91(1) of the TFEU).

**Statement by Germany**

"Concerning Article 4(3)(3):

The paragraph,

"The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road safety related traffic offences listed in Article 2".

is taken to mean that the person who is personally liable within the meaning of this provision can be none other than the driver as it is only he/she who has actually committed the offence. Any data on vehicle operators that is supplied may therefore, in the German delegation's view, be used solely to investigate who the driver is."

**Statement by the United Kingdom and Ireland**

"The United Kingdom and Ireland fully support the road safety objectives of this revised proposed Directive and appreciates the additional two year transposition period that has been granted to the United Kingdom, Ireland and Denmark.

However, the United Kingdom and Ireland are disappointed that they have not been given sufficient time in order to properly consider the impact of the proposal, including potential costs on courts which would have to enforce any subsequent prosecutions pursuant to the new measure. Although the United Kingdom and Ireland appreciate that the existing Directive 2011/82/EU (facilitating the cross-border exchange of information on road safety related traffic offences) is already in force in other Member States, the United Kingdom, Ireland and Denmark did not participate in that measure following the application of Protocols 21 and 22 to the Treaties. Accordingly, following its annulment by the Court of Justice in its judgment in case C-43/12, the proposed Directive represents new requirements for the United Kingdom, Ireland and Denmark.

The United Kingdom and Ireland note the judgment of the Court of Justice that Directive 2011/82/EU should have had a transport legal base (Article 91(1)(c) TFEU) rather than a police co-operation legal base (Article 87(2) TFEU), in light of its aim and content. It remains the view of the United Kingdom and Ireland that matters which do pertain to the enforcement of criminal offences should be considered as being brought forward pursuant to Article 87 TFEU. In this regard, we note the possibility of a future review of this measure considering such aspects as the harmonisation of road traffic rules and enforcement and would like to make clear that where a proposed measure contains content which would be an exercise of competence by the Union pursuant to Title V Part III TFEU, then Protocol 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice will apply."

**7. Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags [First reading] (LA + S)**

– Adoption

a) of the Council's position at first reading

b) of the statement of the Council's reasons

6375/1/15 REV 1 CODEC 219 ENV 67 MI 100 IND 22 CONSOM 34

+ REV 1 ADD 1

5094/15 ENV 6 MI 11 IND 9 CONSOM 5 CODEC 16

+ COR 1 (cs)

+ ADD 1

+ ADD 1 COR 1

6605/15 CODEC 259 ENV 99 MI 120 IND 26 CONSOM 40

+ COR 1

+ COR 2

approved by Coreper, Part 2, on 25.02.2015 and Part 1, on 27.02.2015

The Council approved its position at first reading, 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 Commission**

"The Commission recalls the objectives of its proposal of 4 November 2013 to limit negative impacts on the environment from plastic bags consumption by reducing consumption and thereby reducing littering of these bags. The Commission, while welcoming agreement on its proposal, notes that the final text agreed between the co-legislators includes certain elements that are outside of the scope of the Commission's proposal and are not in line with the principles of better regulation. This could pose problems for the future application of the Directive, for Member States, the Commission, consumers and economic operators.

The issues that raise concerns are the following:

- the adoption of a label for biodegradable and home-compostable bags without the impacts thereof being assessed;
- additional administrative burden for the Member States and economic operators, including new reporting obligations and labelling requirements.
- provisions which could better be addressed in the context of the follow-up to the Commission Green Paper on plastic waste, such as the report on the use of "oxo-degradable" plastic bags;
- the possibility to vary the measures taken towards plastic bags based on their environmental impact or other properties could be problematic as regards the principles of non-discrimination and proportionality and those of the Single Market;
- the possibility for setting national consumption objectives, at a level pre-determined by the Directive, in the absence of relevant statistical data for all Member States;
- too short deadlines for development and adoption in implementing acts of a methodology for reporting on consumption of lightweight plastic carrier bags and of labels for biodegradable plastic carrier bags."

### **8. Proposal for a Regulation of the European Parliament and of The Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC [First reading] (LA)**

– Adoption

a) of the Council's position at first reading

b) of the statement of the Council's reasons

6376/1/15 REV 1 CODEC 220 ENT 28 MI 101

5130/15 ENT 8 MI 12 CODEC 23

+ ADD 1

+ REV 2 (es)

approved by Coreper, Part 2, on 25.02.2015

The Council approved its position at first reading, with the United Kingdom 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)

**9. Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory [Second reading] (LA + S)**

- Approval of the European Parliament's amendments  
6449/1/15 REV 1 CODEC 232 AGRI 73 ENV 72 AGRILEG 34 DENLEG 32  
MI 104  
+ ADD 1  
PE-CONS 1/15 AGRI 16 ENV 13 AGRILEG 7 DENLEG 12 MI 20 CODEC 46  
+ COR 1 (sv)  
approved by Coreper, Part 1, on 27.02.2015

The Council approved the European's Parliament's amendment to the Council's position at first reading, with the Belgian and Portuguese delegations abstaining. The Directive is deemed to have been adopted in the form of the position of the Council at first reading, thus amended, in accordance with Article 294(8)(a) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

**Statement by the Commission**

"When proceeding with the authorisation of GMOs for cultivation, the Commission will, in full respect of its obligation, take account of all elements at its disposal, including the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory provided for by this Directive."