



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 15 April 2014
(OR. en)**

9033/14

**PUBLIC 70
INF 125**

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS DECEMBER 2013

This document lists the acts adopted by the Council in December 2013.^{1 2}

It provides information on the adoption of legislative acts, including:

- the date of adoption,
- the relevant Council session,
- the number of the document adopted,
- the Official Journal reference,
- applicable voting rules, voting results and, where appropriate, explanations of vote and statements published in the minutes of the Council.

¹ With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

² In the case of legislative acts adopted in the ordinary legislative procedure, there may be a difference between the date of the Council's meeting where the legislative act is adopted and the actual date of the act in question, since legislative acts adopted in the ordinary legislative procedure are only considered to have been adopted after signature by both the President of the Council and the President of the European Parliament and the Secretaries-General of the two institutions.

This document also contains information on the adoption of non-legislative acts that the Council has decided to make public.

This document is also available on the Council's website at:

<http://consilium.europa.eu/documents/legislative-transparency/monthly-summaries-of-council-acts>

Documents listed in the summary may be obtained from the public register of Council documents at: <http://consilium.europa.eu/documents/access-to-council-documents-public-register>

It should be noted that this document is exclusively for information purposes- only Council minutes are authentic. These are available on the Council's website at:

<http://consilium.europa.eu/documents/legislative-transparency/council-minutes>

INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN DECEMBER 2013

3276th meeting of the Council of the European Union (COMPETITIVENESS (Internal Market, Industry, Research and Space)) held in Brussels on 2 and 3 December 2013

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 OJ L 347, 20/12/2013, p. 884–891	11791/13 REV 7	Unanimity	All Member States in favour
Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management	11838/13	Not applicable	Not applicable

Joint Declaration on Own Resources

1. According to Article 311 of the TFEU the Union shall provide itself with the means necessary to attain its objectives and carry through its policies; it also stipulates that , without prejudice to other revenue, the budget shall be financed wholly from own resources. Article 311 al. 3 indicates that the Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament adopt a decision on the system of own resources and that, in that context, the Council may establish new categories of own resources or abolish an existing category.
2. On this basis, the Commission presented in June 2011 a set of proposals to reform the Own Resources system of the Union. At its meeting of 7/8 February, the European Council agreed that Own Resources arrangements should be guided by the overall objectives of simplicity, transparency and equity. In addition, the European Council called on the Council to continue working on the proposal of the Commission for a new own resource based on value added tax (VAT). It also invited the Member States participating in the enhanced cooperation in the area of financial transaction tax (FTT) to examine if it could become the base for a new own resource for the EU budget.
3. The question of own resources requires further work. To this end, a high-level Group will be convened, composed of members appointed by the three institutions. It will take into account all existing or forthcoming input which may be brought by the three European institutions and by National Parliaments. It should draw on appropriate expertise, including from national budgetary and fiscal authorities as well as independent experts.
4. The Group will undertake a general review of the Own Resources system guided by the overall objectives of simplicity, transparency, equity and democratic accountability. A first assessment will be available at the end of 2014. Progress of the work will be assessed at political level by regular meetings, at least once every six months.
5. National Parliaments will be invited to an inter-institutional conference during 2016 to assess the outcome of this work.
6. On the basis of the results of this work, the Commission will assess if new Own Resource initiatives are appropriate. This assessment will be done in parallel to the review referred to in Article 2 of the MFF Regulation with a view to possible reforms to be considered for the period covered by the next multiannual financial framework.

Joint Declaration on improving effectiveness of public spending in matters subject to EU's action

The European Parliament, the Council and the Commission agree to work together with the objective of cost savings and better synergies at national and European levels in order to improve the effectiveness of public spending in matters subject to EU's action. To this end, the institutions will, as they consider most appropriate, draw on, *inter alia*, knowledge of best practices, information sharing as well as available independent assessment. The results should be available and serve as one basis for the proposal of the Commission for the next multiannual financial framework.

Joint Declaration

The European Parliament, the Council and the Commission agree that the annual budgetary procedures applied for the MFF 2014-2020 will integrate, as appropriate, gender-responsive elements, taking into account the ways in which the overall financial framework of the Union contributes to increased gender equality (and ensures gender mainstreaming).

Joint Declaration on Article 15 of the Council Regulation laying down the multiannual financial framework for the years 2014-2020

The Institutions agree to use the amount referred to in Article 15 of the Council Regulation laying down the multiannual financial framework for the years 2014-2020 as follows: EUR 2143 million for Youth Employment, EUR 200 million for Horizon 2020, EUR 150 million for Erasmus and EUR 50 million for COSME.

Declaration by the European Commission on national management declarations

In its discharge resolution of 17 April 2013, the European Parliament requested to establish a template for national management declarations to be issued by Member States at the appropriate political level. The Commission is prepared to examine this request and is willing to invite the European Parliament and the Council to participate in a working group with a view to issue recommendations by the end of this year.

Declaration by the European Commission on the review/revision

With regard to the provisions of Article 2 MFFR, taking into account the result of the Review, the Commission confirms its intention to submit legislative proposals for a revision of the MFF Regulation. In this context, it will pay particular attention to the functioning of the global margin for payments in order to ensure that the overall payments ceiling remains available throughout the period. It will also examine the evolution of the global margin for commitments. The Commission will also take into account the particular requirements of the Horizon 2020 programme. The Commission will also examine aligning its proposals for the next MFF with the political cycles of the Institutions.

Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC OJ L 347, 20/12/2013, p. 104–173	PE-CONS 67/13	Qualified majority	All Member States in favour except: Abstained: AT, MT
Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" and repealing Regulation (EC) No 1906/2006 OJ L 347, 20/12/2013, p. 81–103	PE-CONS 66/13	Qualified majority	All Member States in favour except: Abstained: MT

The following statements relate to both regulations:

Statement by Malta

Malta welcomes the Horizon 2020 Framework Programme as a key tool in realising the European Research Area, as well as in implementing the Europe 2020 Strategy Innovation Union flagship initiative and in delivering on the commitments made therein. In this context, Malta has been fully committed to and fully engaged in the negotiations aimed at shaping an inclusive Horizon 2020 Programme which rewards excellence and supports potential excellence.

In spite of this, Malta cannot agree with the eligibility for funding under the Horizon 2020 Framework Programme of activities that involve the destruction of human embryos.

It is also of the opinion that the approach envisaged by the Horizon 2020 Framework Programme does not take sufficiently into account the therapeutic potential of human adult stem cells.

Furthermore, Malta believes that the principle of subsidiarity should be fully abided by with the refrain of EU level financing of research activities involving matters of fundamental ethical principles, which differ among the Member States.

Statement by Austria on Human Embryonic Stem Cell Research

With regard to funding of research on human embryonic stem cells by public funds, Austria has a clear position, consistent with Austria's position held within the 6th and 7th EU Research Framework Programmes.

Research funding by public funds requires compliance with high ethical standards. Austria takes the view that adult stem cells have to be given absolute priority over the funding of research involving embryonic stem cells. In addition, with a view to ECJ rulings made in the meantime concerning the issue of the patentability of embryonic stem cell procedures, it will have to be clarified whether funding such procedures should not be dispensed with in principle.

Statement by Austria on Energy Research

Austria has repeatedly proposed to provide the conducting of research on evaluating the potential of a nuclear fission-free energy economy in this regulation. This Austrian proposal has not been taken up.

Statement by the Commission

For the Horizon 2020 Framework Programme, the European Commission proposes to continue with the same ethical framework for deciding on the EU funding of human embryonic stem cell research as in the 7th Framework Programme.

The European Commission proposes the continuation of this ethics framework because it has developed, based on experience, a responsible approach for an area of science which holds much promise and that has proven to work satisfactorily in the context of a research programme in which researchers participate from many countries with very diverse regulatory situations.

- (1) The decision on the Horizon 2020 Framework Programme explicitly excludes three fields of research from Community funding:
 - research activities aiming at human cloning for reproductive purposes;
 - research activities intended to modify the genetic heritage of human beings which could make such changes heritable;
 - research activities intended to create human embryos solely for the purpose of research or for the purpose of stem cell procurement, including by means of somatic cell nuclear transfer.
- (2) No activity will be funded that is forbidden in all Member States. No activity will be funded in a Member State where such activity is forbidden.
- (3) The decision on Horizon 2020 and the provisions for the ethics framework governing the Community funding of human embryonic stem cell research entail in no way a value judgment on the regulatory or ethics framework governing such research in Member States.

- (4) In calling for proposals, the European Commission does not explicitly solicit the use of human embryonic stem cells. The use of human stem cells, be they adult or embryonic, if any, depends on the judgment of the scientists in view of the objectives they want to achieve. In practice, by far the largest part of Community funds for stem cell research is devoted to the use of adult stem cells. There is no reason why this would substantially change in Horizon 2020.
- (5) Each project proposing to use human embryonic stem cells must successfully pass a scientific evaluation during which the necessity of using such stem cells to achieve the scientific objectives is assessed by independent scientific experts.
- (6) Proposals which successfully pass the scientific evaluation are then subject to a stringent ethics review organised by the European Commission. In this ethics review, account is taken of principles reflected in the EU Charter of Fundamental Rights and relevant international conventions such as the Convention of the Council of Europe on Human Rights and Biomedicine signed in Oviedo on 4 April 1997 and its additional protocols and the Universal Declaration on the Human Genome and the Human Rights adopted by UNESCO. The ethics review also serves to check that the proposals respect the rules of the countries where the research will be carried out.
- (7) In particular cases, an ethics check may be carried out during the lifetime of the project

- (8) Each project proposing to use human embryonic stem cells must seek the approval of the relevant national or local ethics committee prior to the start of the project. All national rules and procedures must be respected, including on such issues as parental consent, absence of financial inducement, etc. Checks will be made on whether the project includes references to licensing and control measures to be taken by the competent authorities of the Member State where the research will be carried out. (9) A proposal that successfully passes the scientific evaluation, the national or local ethics reviews and the European ethics review will be presented for approval, on a case by case basis, to the Member States, meeting as a committee acting in accordance with the examination procedure. No project involving the use of human embryonic stem cells will be funded that does not obtain approval from the Member States.
- (10) The European Commission will continue to work to make the results from Community funded stem cell research widely accessible to all researchers, for the ultimate benefit of patients in all countries.
- (11) The European Commission will support actions and initiatives that contribute to a coordination and rationalisation of HESC research within a responsible ethical approach. In particular, the Commission will continue to support a European registry of human embryonic stem cell lines. Support for such a registry will allow a monitoring of existing human embryonic stem cells in Europe, will contribute to maximise their use by scientists and may help to avoid unnecessary derivations of new stem cell lines.
- (12) The European Commission will continue with the current practice and will not submit to the committee acting in accordance with the examination procedure proposals for projects which include research activities which destroy human embryos, including for the procurement of stem cells. The exclusion of funding of this step of research will not prevent Community funding of subsequent steps involving human embryonic stem cells.

Statement by the Commission on Article 5(7) of the Specific Programme

The Commission strongly regrets the inclusion of paragraph 7 in Article 5 introducing the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 for the granting of Union financial assistance to the projects or parts of projects selected following every call for proposals on the basis of the work programmes referred to in article 5 of the Specific Programme Implementing Horizon 2020. The Commission recalls that it did not propose this procedure in any of the sectoral MFF acts. This was intended to simplify the MFF programmes to the benefit of the recipients of EU funding. The approval of grant decisions without committee scrutiny would accelerate the procedure reducing the time-to-grant to the advantage of beneficiaries and avoiding unnecessary red tape and costs. Moreover, the Commission recalls that the taking of grant decisions is part of its institutional prerogative relating to the execution of the budget and therefore should not be adopted through comitology.

The Commission also considers that this inclusion cannot serve as a precedent for other funding instruments.

Statement by the Commission on the Fast track to Innovation

The Commission intends to provide appropriate visibility among the research and innovation community for the FTI through awareness-raising and communication activities preceding the pilot call in 2015.

The Commission does not intend to limit the duration of FTI actions ex-ante. Factors such as time sensitivity and the international competitive situation shall be taken into sufficient account when evaluating the "impact" of a proposal, to allow for flexibility according to the various specificities within different fields of applied research.

In addition to the in-depth assessment carried out within the interim evaluation of Horizon 2020, the FTI pilot will be subject to a continuous monitoring of all practicalities related to the submission, evaluation, selection and budgeting of proposals under the FTI Call, starting from the first cut-off date in 2015.

To allow for the pilot to be effective and to make sure a proper evaluation can be conducted, this could necessitate supporting up to a hundred projects.

Statement by the Commission on Energy (Framework Programme)

The Commission acknowledges the essential future role of end-user energy efficiency and renewable energy, the importance of better grids and storage in maximising their potential, and the need for market uptake measures to build capacity, improve governance and overcome market barriers so that energy efficiency and renewable energy solutions can be rolled out.

The Commission will endeavor to ensure that at least 85%, of the energy challenge budget of Horizon 2020 is spent in non-fossil fuels areas, within which at least 15 % of the overall energy challenge budget is spent on market up-take activities of existing renewable and energy efficiency technologies in the Intelligent Energy Europe III Programme. This Programme will be implemented by a dedicated management structure and will also include support for sustainable energy policy implementation, capacity building and mobilisation of financing for investment, as been undertaken until today.

The remaining part will be devoted to fossil based technologies and development options, which are considered essential for reaching the 2050 vision and supporting the transformation to a sustainable energy system.

Progress towards these targets will be monitored and the Commission shall regularly report on the progress achieved.

Statement by the Commission on Article 6.5 (Framework Programme)

Without prejudice to the annual budgetary procedure, it is the Commission's intention to present in the context of the structured dialogue with the European Parliament an annual report on the implementation of the budget breakdown set out in Annex II of Horizon 2020 by priorities and specific objectives within these priorities, including any application of Article 6(5).

Statement by the Commission on Article 12 (Framework Programme)

Upon request, the Commission will present the adopted work programmes to the responsible Committee in the European Parliament.

Statement by the Commission on Seal of Excellence (Framework Programme)

Union level intervention enables EU-wide competition to select the best proposals, thereby raising levels of excellence and providing visibility for leading research and innovation.

The Commission considers that positively evaluated European Research Council, Marie Skłodowska-Curie, teaming actions, phase-2 SME instrument or collaborative project proposals that could not be funded for budgetary reasons, have still met the Horizon 2020 criterion of excellence.

Upon approval of the participants, this information can be shared with the responsible authorities.

The Commission therefore welcomes any initiatives to fund such projects by national, regional or private sources. In this context, cohesion policy also has a key role to play through building capacity.

Statement by the Commission on Spreading excellence and widening participation (Framework Programme)

The Commission is committed to set up and implement the measures to close the research and innovation divide in Europe under the new heading ‘Spreading Excellence and widening participation’. The level of funding foreseen for these measures will not be lower than the amount spent in the Seventh Framework Programme on the actions addressing ‘widening participation’.

The new activities of COST undertaken in the context of ‘widening participation’ should be supported by the budget allocated to ‘Spreading excellence and widening participation’. The activities of COST which do not fall thereunder, and which should be of a equal order of magnitude in terms of budget, should be supported from the budget allocated to ‘6. Europe in a changing World - Inclusive, innovative and reflective societies’.

The major part of the activities related to the Policy Support Facility and to the transnational networks of National Contact points should also be supported by the budget allocated to ‘6. Europe in a changing World - Inclusive, innovative and reflective societies’.

<p>Statement by the Commission on the guidelines on the criteria to implement the “bonus” (Rules for Participation)</p> <p>Regarding additional remuneration, it is the intention of the Commission to, without delay, issue guidelines on the criteria for its implementation after the adoption of the Horizon 2020 Rules for Participation and Dissemination.</p>
<p>Statement by the Commission on Article 42 (Rules for Participation)</p> <p>It is the intention of the Commission to lay down time limits in the model grant agreement regarding the protection of results, taking into account the FP7 time limits.</p>
<p>Statement by the Commission on direct costing for large research infrastructures (Rules for participation)</p> <p>In response to the demands from stakeholders, the Commission is committed to clarify the issue of direct costing of large research infrastructures along the lines described in this declaration.</p> <p>The guidance on direct costing for large research infrastructures in Horizon 2020 will apply to the costs of large research infrastructures with a total value of at least EUR 20 million for a given beneficiary, calculated as the sum of the historical asset values of the individual research infrastructures as they appear in the last closed Balance Sheet of that beneficiary before the date of the signature of the grant agreement, or as determined on the basis of the rental and leasing costs of the research infrastructures.</p> <p>Below this threshold, the guidance on direct costing for large research infrastructures in Horizon 2020 will not apply. Individual cost items may be declared as eligible direct costs in accordance with the applicable provisions of the grant agreement.</p> <p>Generally, it will be possible to claim as direct costs all costs that both: fulfill the general eligibility criteria and are directly linked to the implementation of the action and can therefore be attributed directly to it.</p> <p>For a large research infrastructure that is used for a project, this will typically be the case for the capitalised costs and for the operating costs. ‘Capitalised costs’ will be costs incurred to set up and/or renew the large research infrastructure, as well as some costs of specific repair and maintenance of the large research infrastructure together with parts or essential integral components.</p> <p>‘Operating costs’ will be costs which the beneficiary incurs specifically for running the large research infrastructure.</p> <p>By contrast, some costs could typically not be declared as direct costs, but would be deemed reimbursed through the flat-rate for indirect costs, e.g. rental, lease or depreciation costs of administrative buildings and headquarters.</p> <p>Where costs have been caused only in part by the activities of the project, only the part which is directly measured to the project can be declared. For this purpose, the measurement system of the beneficiary must provide for an accurate quantification of the actual true value of the cost for the project (i.e. showing the real consumption and/or use for the project). This will be the case, if measurement is obtained from the invoice of the supplier.</p>

The measurement of the cost is generally associated with the time used for the project, which must correspond to the actual hours / days / months of use of the research infrastructure for the project. The total number of productive hours / days / months must correspond to the full potential of use (full capacity) of the research infrastructure. The calculation of the full capacity will include any time during which the research infrastructure is usable but not used. However, the calculation of the full capacity will take due account of real constraints such as the opening hours of the entity, repair and maintenance time (including calibrating and testing).

If a cost can be directly measured to the research infrastructure but not directly to the project, because of technical constraints, an acceptable alternative will be measurement of these costs by means of units of actual usage relevant for the project, supported by accurate technical specifications and actual data, and determined on the basis of the beneficiary's analytical cost accounting system.

large research infrastructure, contract, project time, etc.).

The costs and their direct measurement to the project must be supported by appropriate supporting documents allowing for a sufficient audit trail. The beneficiary may prove the direct link through persuasive alternative evidence.

The Commission services will recommend best practices for direct measurement and supporting documents (e.g.: for capitalised costs: accounting statements accompanied by depreciation policy of the beneficiary as part of its usual accounting principles, showing calculation of the potential use and of the economic life of the asset, and evidence of its actual use for the project; for operating costs: specific explicitly labelled invoice related to the project). Upon request of a beneficiary with large research infrastructures, and taking into account the resources available and the cost-effectiveness principle, the Commission is prepared to carry out an ex-ante assessment of the direct costing methodology of the beneficiary in a simple and transparent manner, to ensure legal certainty. These ex-ante assessments will be taken into full account during ex-post audits.

In addition, the Commission will establish a group consisting of representatives of relevant stakeholder organizations, to evaluate the use of the guidance.

The Commission confirms that it will promptly adopt guidance on direct costing for large research infrastructures, once Horizon 2020 regulations have been adopted.

Statement by the Commission on the SME instrument

SME support in Horizon 2020 is of major importance and represents a prominent part to achieve its objective to foster innovation, economic growth and job creation. Therefore, the Commission will ensure high visibility of SME support in Horizon 2020, in particular through the SME instrument in the work programmes, guidelines and communication activities. All efforts will be undertaken that it is easy and straightforward for SMEs to identify and use the opportunities provided for them in the Societal Challenges and LEITs.

The SME instrument will be implemented through a single centralised management structure responsible for the evaluation and management of the projects, including the use of common IT systems and business processes.

The SME-instrument shall attract the most ambitious innovation projects of SMEs. It will be implemented primarily in a bottom up manner via a continuously open call tailored to the needs of SMEs as set in the specific objective “innovation in SMEs” while taking into account priorities and objectives of LEITs and societal challenges and allowing for cross-challenge/LEITs proposals, underpinning the bottom-up approach. This call may be reviewed/renewed every two years, to take into account the biannual strategic programmes. Where appropriate, calls on specific topics of strategic interest can be organised in addition to the call described above. These calls will use the concept and procedures of the SME instrument as well as its single entry point for applicants and the accompanying mentoring and coaching services.

Statement by the Commission regarding articles 3 and 4 (Rules for participation)

It is the intention of the Commission to include references to national law in the grant agreement regarding public access to documents and confidentiality, in view of finding an appropriate balance between the different interests.

Statement by the Commission on Article 28 (Rules for Participation) (option of a 100% reimbursement rate for non-profit legal entities for innovation actions):

The Commission notes that even non-profit entities may carry out economic activities which are close to market and whose subsidiation may create distortions in the internal market. Therefore, the Commission will assess ex-ante if eligible activities are of an economic nature, if cross-subsidiation of economic activities is effectively prevented, and if the funding rate for economic eligible activities has negative effects on competition in the internal market which are not outbalanced by its positive effects.

Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013 amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology OJ L 347, 20/12/2013, p. 174–184	PE-CONS 68/13	Qualified majority	All Member States in favour
--	---------------	--------------------	-----------------------------

Decision No 1312/2013/EU of the European Parliament and of the Council of 11 December 2013 on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe OJ L 347, 20/12/2013, p. 892–923	PE-CONS 69/13	Qualified majority	All Member States in favour
Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC OJ L 347, 20/12/2013, p. 50–73	PE-CONS 63/13	Qualified majority	All Member States in favour
<p>Joint statement from France, Sweden, Denmark, Finland, Poland, Slovenia on the student loan guarantee facility</p> <p>France, Sweden, Denmark, Finland, Poland, Slovenia welcome the Irish Presidency compromise proposal on the Union programme 2014-2020 dedicated to education, training, youth and sport, which will promote European citizenship and strengthen the Europe of knowledge.</p> <p>France, Sweden, Denmark, Finland, Poland, Slovenia wish to underline that the compromise proposal clearly defines that the loan guarantee facility for Master students will be of strictly experimental nature.</p> <p>However, France, Sweden, Denmark Finland, Poland, Slovenia reaffirm that the student loan guarantee facility for Masters students is not a suitable answer to the democratisation and the development of international exchanges while mobility is at the very heart of the Erasmus project, one of the most emblematic European programs.</p>			

In a context of growing student debt and very high youth unemployment in Europe, we are very concerned about the choice of reducing de facto the number of student mobility grants (studies, internships) open to all categories of students, to the benefit of loans for Masters students only. Further on, we expect that the Student Loan Guarantee Facility will not lead to imbalances in mobility and "brain drain".

Given the absence of an updated impact study - in particular social - France, Sweden, Denmark, Finland, Poland, Slovenia have always wished the implementation of this student loan facility to remain at an experimental level, and, in accordance with the principle of equity, to include lending conditions that are more favourable than those of the market and don't lead to student over indebtedness and don't replace grants that must remain the ideal vector for training mobility.

Therefore, it would have been advisable for the share of the budget allocated to this new instrument proposed by the Commission to be limited to 2 %, as France, Sweden, Denmark Finland, Poland, Slovenia have wished to.

France, Sweden, Denmark, Finland, Poland, Slovenia urge the Commission to ensure that the students will be protected from the potential negative effects of this instrument. They also affirm their commitment to use all the means possible to revise and review the impacts of the implementation of the Facility, in particular in view of its experimental nature that is part of this agreement.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p>Council Regulation (EU) No 1360/2013 of 2 December 2013 fixing the production levies in the sugar sector for the 2001/2002, 2002/2003, 2003/2004, 2004/2005 and 2005/2006 marketing years, the coefficient required for calculating the additional levy for the 2001/2002 and 2004/2005 marketing years and the amount to be paid by sugar manufacturers to beet sellers in respect of the difference between the maximum levy and the levy to be charged for the 2002/2003, 2003/2004 and 2005/2006 marketing years</p> <p>OJ L 343, 19/12/2013, p. 2–6</p>	<p>16233/13</p> <p>All Member states in favour</p>
<p>Commission statement</p> <p>The Commission confirms that the question whether, and under which conditions, in a given case, the decision of the national authorities on the collection of the sugar levy has become definitive or needs to be reviewed on the basis of the revised levy amounts included in the new Council Regulation is to be answered in accordance with the applicable national law.</p>	
<p>Council Regulation (EU) No 1261/2013 of 2 December 2013 amending Regulation (EC) No 723/2009 concerning the Community legal framework for a European Research Infrastructures Consortium (ERIC)</p> <p>OJ L 326, 06/12/2013, p. 1–2</p>	<p>15660/13</p>

2013/787/EU: Decision of the European Parliament and of the Council of 11 December 2013 on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2012/011 DK/Vestas from Denmark) OJ L 349, 21/12/2013, p. 95–95	15091/13
2013/788/EU: Decision of the European Parliament and of the Council of 11 December 2013 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2013/001 FI/Nokia from Finland) OJ L 349, 21/12/2013, p. 96–96	15096/13
2013/789/EU: Decision of the European Parliament and of the Council of 11 December 2013 on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2013/003 DE/First Solar from Germany) OJ L 349, 21/12/2013, p. 97–97	15093/13

Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China OJ L 325, 05/12/2013, p. 1–65	15702/13
Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China OJ L 325, 05/12/2013, p. 66–213	15706/13
2014/115/EU: Council Decision of 2 December 2013 on the conclusion of the Protocol Amending the Agreement on Government Procurement OJ L 68, 07/03/2014, p. 1–1	16310/13
2013/756/EU: Council Decision of 2 December 2013 establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement with respect to the decisions implementing certain provisions of the Protocol Amending the Agreement on Government Procurement OJ L 335, 14/12/2013, p. 32–34	7997/13

2013/728/EU: Council Decision of 2 December 2013 establishing the position to be taken by the European Union within the Ministerial Conference of the World Trade Organization as regards an extension of the moratorium on customs duties on electronic transmissions and the moratorium on non-violation and situation complaints OJ L 332, 11/12/2013, p. 17–17	15633/13
2013/715/EU: Council Decision of 2 December 2013 establishing the position to be adopted on behalf of the European Union within the Ministerial Conference of the World Trade Organization on the accession of the Republic of Yemen to the World Trade Organization OJ L 326, 06/12/2013, p. 44–44	15307/13
Statement by the Commission The Commission welcomes the adoption of the Council Decision establishing the EU position in favour of the accession of the Republic of Yemen. The Commission notes that it is proposed that a Decision of the Representatives of the Governments of the Member States meeting within the Council be adopted on this accession by common accord as regards the position of the Member States in the WTO. The Commission notes that it would have been possible to adopt an EU decision which would have rendered such a separate decision unnecessary.	

Statement by Ireland

The provisions relating to the temporary presence of natural persons for business purposes included in the above Decision only bind Ireland as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of Ireland and the United Kingdom in respect of the area of Freedom, Security and Justice. Ireland will ensure that the temporary presence of natural persons for business purposes is allowed in accordance with those provisions.

Statement by the United Kingdom

The provisions relating to the temporary presence of natural persons for business purposes included in the above Decision only bind the United Kingdom as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice.

Council Conclusions on the European Industrial Policy	17202/13
Council Conclusions on the Single Market Policy	16443/13
Council Conclusions on the "Smart Regulation"	17227/1/13

3277th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Nusa Dua (Bali), Indonesia, on 3 and 6 December 2013			
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom OJ L 13, 17/01/2014, p. 1–73		13675/13	
3278th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY) held in Brussels on 5 December 2013			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 1286/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme to improve the operation of taxation systems in the European Union for the period 2014-2020 (Fiscalis 2020) and repealing Decision No 1482/2007/EC OJ L 347, 20/12/2013, p. 25–32	PE-CONS 33/13	Qualified majority	All member states in favour

Statement by the Member States

Considering the importance of full participation of all participating countries in joint actions and in order to fully attain the objectives of the programme, Member States declare their willingness, when taking positions in the committee, within the meaning of Regulation (EU) No 182/2011, to seek continuation of the current practise of financing grants at 100 % of the eligible costs where the latter are travel and accommodation costs, costs linked to organisation of events and daily allowances.

Statement by Greece and Cyprus

Greece and Cyprus stress their commitment to the objectives of the Fiscalis programme.

In this context, Greece and Cyprus reiterate their concerns that the possible co-financing of grants by national budgets may exclude Member States under budgetary constraints from participation in the programme's eligible actions.

Statement by the Commission

Regarding the budgetary ceiling of 5 % for administrative expenditure introduced in the FISCALIS programme, the Commission considers that it is not in line with the horizontal approach aiming at simplifying and streamlining the basic acts of sectoral MFF programmes. The Commission notes, however, that this budgetary ceiling of 5 % is applied already in the framework of the current FISCALIS Programme (art 14 §2), that it therefore corresponds to a specificity of this programme and cannot be seen as a precedent for other MFF programmes.

Statement by Spain, France, Luxembourg and Italy

Concerning the proposal for a Regulation establishing the Fiscalis 2020 programme, Spain, France, Luxembourg and Italy noted the formal opt-in notification communicated by the United Kingdom in accordance, in its opinion, with Article 3 paragraph 1 of Protocol 21 to the Lisbon Treaty. It is clear from the recent case-law of the Court of Justice that Protocol 21 is not applicable if the act does not have a legal basis falling under Title V of Part Three of the TFEU (see Judgment of 22 October 2013, in case C-137/12, paragraphs 73 to 75). Spain, France, Luxembourg and Italy therefore consider that the United Kingdom's notification is unfounded and consequently does not bind them. They also take this position for any other measure not falling under Part Three, Title V, of the Treaty on the Functioning of the European Union, but for which the United Kingdom notifies an opt-in or considers to be in an opt-out position.

Regulation (EU) No 1289/2013 of the European Parliament and of the Council of 11 December 2013 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement OJ L 347, 20/12/2013, p. 74–80	PE-CONS 65/13	Qualified Majority	All member states in favour except: Abstained: DE Not participating: IE, UK
--	---------------	--------------------	---

Statement by the Commission

The Commission welcomes the adoption by the European Parliament and the Council of its proposal amending Regulation n° 539/2001 aiming at enhancing the credibility of the common visa policy and ensuring more solidarity amongst Member States. However, the Commission regrets that the powers conferred on the Commission with regard to the revised reciprocity mechanism are, in the opinion of the Commission, not in compliance with Articles 290 and 291 of the TFEU. The Commission therefore reserves the right to make use of the remedies available under the Treaty with a view to having this point clarified by the Court of Justice.

<p>Statement by Belgium, Germany, Estonia, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden regarding paragraphs 1 and 2 of Article 1</p> <p>The amendment of Regulation 539/2001 especially concerning the reciprocity mechanism (Article 1(1)) and also the suspension clause (Article 1(2)) could have far reaching implications for the external relations of the Union and its Member States.</p> <p>We therefore underline that according to the relevant provisions, the relevant Union institutions are obliged, prior to any proposal or decision, to extensively scrutinise and take into account potential adverse political consequences that might arise from such proposals or decisions for the external relations, both of the Union and its Member States. This applies in particular to external relations with strategic partners. In our view, the Council should ensure that, for its part, these obligations are carried out in full.</p>			
<p>Regulation (EU) No 1297/2013 of the European Parliament and of the Council of 11 December 2013 amending Council Regulation (EC) No 1083/2006 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability, to the decommitment rules for certain Member States, and to the rules on payments of the final balance</p> <p>OJ L 347, 20/12/2013, p. 253–255</p>	PE-CONS 101/13	Qualified majority	<p>All member states in favour except:</p> <p>Against: HU</p>
<p>Regulation (EU) No 1298/2013 of the European Parliament and of the Council of 11 December 2013 amending Council Regulation (EC) No 1083/2006 as regards the financial allocation for certain Member States from the European Social Fund</p> <p>OJ L 347, 20/12/2013, p. 256–258</p>	PE-CONS 102/13	Qualified majority	<p>All member states in favour</p>

Directive 2013/58/EU of the European Parliament and of the Council of 11 December 2013 amending Directive 2009/138/EC (Solvency II) as regards the date for its transposition and the date of its application, and the date of repeal of certain Directives (Solvency I) OJ L 341, 18/12/2013, p. 1–3	PE-CONS 98/13	Qualified majority	All member states in favour
Decision No 1351/2013/EU of the European Parliament and of the Council of 11 December 2013 on providing macro-financial assistance to the Hashemite Kingdom of Jordan OJ L 341, 18/12/2013, p. 4–9	PE-CONS 109/13	Qualified majority	All member states in favour
Regulation of the European Parliament and of the Council establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC	PE-CONS 72/13	Qualified majority	All member states in favour
<p>Statement by the Council</p> <p>Effective, efficient, modern and harmonised approaches to customs controls at the external border of the EU are essential:</p> <ul style="list-style-type: none"> – to protect the financial interests of the Union and its Member States; – to fight against illegal trade while allowing facilitations for legitimate business activity; – to ensure the safety and security of the Union and its inhabitants, and the protection of the environment; – to protect intellectual property rights, and – to secure compliance with the common commercial policy. <p>In order to exercise such controls, it is crucial for customs to have access to the appropriate tools, such as detection equipment and technology. The need for these tools is exemplified, amongst others, in the 2011 Europol's Organized Crime Threat Assessment Report, which states that the economic impact of cigarette smuggling represents a loss to budgets of the Member States and of the Union estimated at around 10 billion Euros per year.</p> <p>At present, the several instruments of the Multiannual Financial Framework (MFF) available to co-fund the acquisition of such tools are not exploited to the fullest extent. To achieve efficient allocation of funding resources, the Council invites the Commission to present a report, No later than mid-2018, on the provision of the necessary financial resources to purchase appropriate tools for customs controls in the area referred to in Art. 3(a) of the TFEU, including the possibility of allocating these resources through a single fund.</p>			

Statement by the Council and the Commission

This Regulation cannot be interpreted as including or conferring any powers or obligations which fall under Title V of Part III of the Treaty on the Functioning of the European Union.

Statement by the Netherlands and Denmark on Article 14

The Customs 2020 program lays down the rules for financing activities in the field of customs cooperation in the EU. All activities under the program, including the creation of expert teams, are determined in annual work plans on the basis of Article 14.

Expert teams are a new instrument, which potentially touches upon the balance of powers between Member states and the Union's institutions as foreseen in the treaties. In view of the possible major implications of the expert teams for operational activities and competences of customs authorities in the Member states, The Netherlands and Denmark would have preferred a separate implementing act for the creation and for the rules on the functioning of each expert team, enabling a more transparent decision process at the appropriate level.

Taken this into account,

The Netherlands and Denmark will whenever the creation of an expert team is being proposed in the work plan insist on a thorough evaluation of the proposed scope of the team, clear rules on the functioning of the team, a detailed business case and an in-depth legal analysis on the basis of the EU treaties, in particular regarding the respective competences of Member States and Union's institutions.

Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion OJ L 347, 20/12/2013, p. 238–252	PE-CONS 80/13	Qualified majority	All member states in favour
Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) and repealing Decision No 1639/2006/EC OJ L 347, 20/12/2013, p. 33–49	PE-CONS 58/13	Qualified majority	All member states in favour
Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 OJ L 347, 20/12/2013, p. 185–208	PE-CONS 70/13	Qualified majority	All member states in favour

Statement by the Commission on Maximum amount that a single IP may receive

The Commission attaches high importance to ensuring a proportionate distribution of funds among integrated projects in order to fund as many integrated projects as possible and guarantee a balanced distribution of integrated projects among all Member States. In this context, the Commission will propose when discussing the draft work programme with the members of the LIFE committee the maximum amount that a single integrated project may receive. This proposal will be submitted as part of the methodology for project selection to be adopted as part of the multiannual work programme.

Statement by the Commission on Status of funding Biodiversity in OCTs

The Commission attaches high importance to the protection of environment and biodiversity in Overseas Countries and Territories, as is illustrated by the Overseas Association Decision proposal which includes these sectors in the areas of cooperation between the European Union and OCTs and outlines the different actions which could be eligible for funding by the European Union in this regard.

The BEST preparatory action has been a successful initiative that has been embraced by OCTs and has delivered tangible results for biodiversity and ecosystem services. As BEST is drawing to a close, the Commission is favourably considering following up on it under one of the new instruments, namely Global Public Goods and Challenges programme under the Development Cooperation Instrument.

This specific possibility for funding biodiversity in OCTs will be complemented by the opportunities offered under Article 6 of the LIFE programme for the period 2014-2020.

Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC OJ L 347, 20/12/2013, p. 221–237	PE-CONS 77/13	Qualified majority	All member states in favour except: Against: AT
Commission statement on logos The Commission has a single visual identity which essentially consists of the European flag. This policy allows for an easy identification of Commission activities by the European citizens across Europe, while the existence of various logos blurs this visibility. The Commission therefore regrets that, in the Creative Europe programme, the co legislators have imposed on the Commission the use of logos for both sub programmes. The Commission considers that this outcome is an isolated case and will not constitute a precedent for other programmes.			
Commission statement on committee procedures The Commission is of the view that the adoption of non binding guidelines by the Commission should not be subject to comitology since the Commission has its own autonomous right under the Treaty to do so. Thus the Commission considers that the provision in Article 17(3) for guidelines to be adopted by advisory procedure cannot affect this right.			

Commission statement on budget

The Commission regrets that, in the Creative Europe programme, the co legislators have imposed on the Commission a breakdown of the budget of the programme without flexibility margins. The Commission stresses that a rigid allocation of the budget, especially for programmes with a limited financial envelope, does not correspond to the principles of sound financial management and optimisation of the allocation of resources over a programming period of seven years. In order to respond to the operational needs during the implementation of the programme a certain margin of flexibility is necessary where unforeseen changes in the social and economic environment occur. For these reasons the Commission considers that this outcome is an isolated case and will not constitute a precedent for other programmes.

Statement by Austria

In Article 167 of the Treaty on the Functioning of the European Union, the EU undertakes to improve the knowledge and dissemination of culture and history in Europe, to conserve cultural heritage and to support non commercial cultural exchange and artistic creation, including in the audiovisual sector. The EU is also committed to the protection and promotion of the diversity of cultural expressions, and acceded to the relevant UNESCO Convention in 2006.

Boosting non commercial cultural creation is a matter of particular importance to Austria. Unlike the European Culture Programme (2007 to 2013), the Culture Sub Programme under the EU's new Creative Europe Programme (2014 to 2020) allows commercial cultural creation to be financed from EU funds. Austria is not in favour of this new approach in the Culture Sub Programme, since the not for profit cultural and creative sector does not obey the same rules as the for profit sector, and each should therefore be targeted by separate supportive measures to produce the most effective leverage and incentives.

There is a danger that extending funding opportunities to for profit cultural activities would weaken the not for profit cultural sector in Europe. Austria is therefore unable to accept the relevant provisions of Article 13 of the Regulation.

Statement by the Federal Republic of Germany

In principle, Germany supports Creative Europe as a European programme to foster culture and the media. However, we would have serious misgivings about agreeing to the text as it currently stands.

Our concerns relate to substantive aspects and issues linked to competence for cultural policy, which Article 167(5) TFEU identifies as one of the legal bases of the programme: in Germany's view, only cultural, not-for-profit projects ought to be entitled to support under the Culture Sub Programme. Germany rejects the delegated legislative powers provided for in Articles 20 and 21 and the legal instrument chosen - a regulation - on the grounds of the subsidiarity principle and the prohibition of harmonisation in the area of culture. Specific qualitative evaluation criteria ought to be identified and established by the European legislator (i.e. the European Parliament and the Council) rather than by the Commission through delegated law-making.

Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics OJ L 351, 21/12/2013, p. 1–14	PE-CONS 86/13	Qualified majority	All member states in favour except: Abstaining: AT, DE
---	---------------	--------------------	---

Commission statement

The Commission recognises the effort for a more differentiated approach, but, taking note of the "No opinion" clause in the case of Directive 96/16/EC on statistical surveys of milk and milk products, recalls that the recourse to Article 5(4) of Regulation (EU) No 182/2011 (OJ L 55, 28.2.2011, p. 13), subparagraph 2, point b) 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, it cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner, and thus must be justified in a recital.

Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 OJ L 348, 20/12/2013, p. 129–171	PE-CONS 76/13	Qualified majority	All member states in favour except: Abstaining: UK
Statements by the Commission 1. The Commission recalls that the decision to present projects for funding under the CEF is a prerogative of Member States. This prerogative is not affected in any way by the indicative percentages for specific transport objectives listed in Part IV of the Annex. 2. The Commission strongly regrets the inclusion of article 18 introducing the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 for the granting of Union financial assistance to the projects or parts of projects selected following every call for proposals on the basis of the multiannual or annual work programmes referred to in article 17 of the Connecting Europe Facility Regulation. The Commission recalls that it did not propose this procedure in any of the sectoral MFF acts. This was intended to simplify the MFF programmes to the benefit of the recipients of EU funding. The approval of grant decisions without committee scrutiny would accelerate the procedure reducing the time-to-grant for project promoters and avoiding unnecessary red tape and costs. Moreover, the Commission recalls that the taking of grant decisions is part of its institutional prerogative relating to the execution of the budget and therefore should not be adopted through comitology. The Commission also considers that this inclusion cannot serve as a precedent for other funding instruments because of the particular nature of the infrastructure projects in terms of impact on the territory of the Member States.			

3. The Commission regrets the inclusion in article 2(5) and article 5(2) of references to the costs of the executive agency entrusted by the Commission for the implementation of specific parts of the Connecting Europe Facility, in the context of programme support actions. The Commission recalls that it is the prerogative of the Commission itself to decide, after a prior cost-benefit analysis, to set up an executive agency with a view to entrusting it with certain tasks relating to the management of a programme, in accordance with the provisions of Council Regulation (EC) No 58/2003. The process of carrying out the cost-benefit analysis for the purpose of entrusting tasks to an executive agency for the implementation of the Connecting Europe Facility should not be pre-empted by the text of the CEF Regulation. The Commission also considers that the cap cannot serve as a precedent for other funding instruments, because of the particular nature of the infrastructure projects managed by the Agency.

Statement by the Federal Republic of Germany

The harmonisation of freight corridors has become an element of the negotiations in the deliberations on the Regulation on the establishment of the “Connecting Europe” Facility.

Germany would like to express once again that it does not generally reject the harmonisation of freight corridors with other corridor structures.

In this context, Germany has explicitly pointed out that the conditions and rules of Regulation (EU) No. 913/2010 governing the existing corridors must apply in case of modifications to or an expansion of freight corridors. Germany has also noted that it is absolutely necessary to take into account experience gathered from the existing corridors the first of which are going into operation in November 2013.

With this statement, Germany would like to reaffirm its position. Our concerns regarding the formal aspects of the chosen procedure have not been dispelled.

Statement by the United Kingdom

Overall, the UK supports the development of Rail Freight Corridors where this is done in accordance with the mechanisms already in place under the Rail Freight Corridor Regulation (913/2010) where there is a demonstrated market justification for this. We are already in discussions with other Member States and the European Commission in accordance with that Regulation to extend Corridor 2 through the Channel Tunnel and up until London. This decision has been on the basis of a sound market and socio-economic benefit analysis.

The harmonisation of freight corridors has become an element of the negotiations in the deliberations on the Regulation on the establishment of the Connecting Europe Facility.

However, we do not believe it is right to use the CEF Regulation to propose changes to the Rail Freight Corridors, or to set timescales for them. This approach circumvents approval procedures guaranteed by pre-existing legislation, and has neither been agreed with the respective Member States involved, nor is it supported by market and socio-economic benefit analysis.

We believe that the proposed extensions of the Rail Freight Corridors have a direct effect on the territory of a Member State. Therefore, the proposed extension should be subject to the approval of the Member State concerned, as provided for under the second paragraph of Article 172 of the Treaty. For the UK, this would mean that including locations extending past London in a Rail Freight Corridor require our agreement. We do not support their inclusion and London should remain as the end point for the Rail Freight Corridors in the UK.

More generally, we believe the intention is that extensions to the Rail Freight Corridors should only take place if supported by a positive socio-economic benefit analysis.

As a result, we will be abstaining on the Regulation on the establishment of the Connecting Europe Facility.

Statement by Latvia

Latvia supports the objectives of the proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and welcomes the overall outcome of discussions on this proposal.

In the meantime, Latvia maintains its concerns regarding the proposal to replace the Annex of the Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (hereinafter – Rail Freight Corridors Regulation).

The final compromise proposal concerning the extension of the "North Sea – Baltic" rail freight corridor in case of Latvia for the period between 10th November 2020 at the latest and the finalisation of the Rail Baltica line in 1435 mm nominal track gauge would apply to a railway line of a 1520 mm track gauge. Latvia notes that without a justification based on sound cost-benefit analysis it holds substantial doubts concerning the possible interest of applicants regarding this part of the "North Sea – Baltic" rail freight corridor. Therefore Latvia does not expect that the right balance of socio-economic costs and benefits can be achieved.

Until the finalisation and consequently the inclusion of the Rail Baltica line in 1435 mm nominal track gauge in the rail freight corridor "North Sea – Baltic" an uninterrupted train traffic to this extension of the rail freight corridor is not practically possible due to the differences in track gauge.

<p>Therefore the path allocation as well as the coordination of the operational issues for this section of the rail freight corridor must be done separately from its 1435 mm nominal track gauge part.</p> <p>In addition to the above mentioned Latvia expresses concerns that the approach used - to replace the Annex of the Rail Freight Corridors Regulation without reviewing also the main text of this Regulation – rises concerns that several provisions such as the criteria for definition of further rail freight corridors (Article 4) as well as the provisions for the selection of further freight corridors (Article 5, especially points 3 and 4), have not been duly adhered to.</p> <p>Latvia strongly believes that the most appropriate line for the extension of the “North Sea – Baltic” rail freight corridor is the Rail Baltica line in 1435 mm nominal track gauge, which after its construction must be fully integrated in all structures and procedures of the “North Sea - Baltic” freight corridor as set by the Rail Freight Corridors Regulation.</p>			
<p>Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council</p> <p>OJ L 347, 20/12/2013, p. 1–24</p>	PE-CONS 26/13	Qualified majority	All member states in favour

Joint declaration by the European Parliament, the Council and the European Commission on the GALILEO Interinstitutional Panel (GIP)

1. In view of the importance, uniqueness and complexity of the European GNSS programmes, the Union ownership of systems resulting from the programmes, the full financing of the Union budget of the programmes for the period 2014-2020, the European Parliament, the Council, and the European Commission recognise the need for close cooperation of the three institutions.

1. A Galileo Interinstitutional Panel (GIP) will meet with the objective to facilitate each institution exercising its respective responsibility. To this end, the GIP will be set up in order to follow closely:

- a) the progress on the implementation of the European GNSS programmes, in particular with regard to the implementation of the procurement and the contract agreements, in particular with regard to the ESA;
- b) the International Agreements with third countries without prejudice to the provisions of Article 218 of the Treaty on the Functioning of the European Union;
- c) the preparation of satellite navigation markets;
- d) the effectiveness of the governance arrangements; and
- e) the annual review of the work programme.

2. In accordance with existing rules, the GIP will respect the need for discretion in particular in view of the commercial-in-confidence and sensitive nature of certain data.

3. The Commission will take account of the views expressed by the GIP.

4. The GIP will be composed of seven representatives, of which:

- three from the Council,
- three from the EP,
- one from the Commission,

and will meet on a regular basis (in principle four times per year).

5. The GIP does not affect the established responsibilities or interinstitutional relationships.

Statement by the Council regarding the involvement of Member States security experts

Considering the security implications in respect of the systems and their operation, the Council underlines that it is essential that the Commission consults the relevant security experts of the Member States and takes full account of their opinion, when laying down the high level objectives necessary to ensure the security of the programmes.

The Council stresses the intention of the Member States to designate as experts in this process the representatives of their respective national authorities in the Security Board for the European GNSS Systems, established by Commission Decision 2009/334/EC. It also stresses the position of the Member States that these experts should advise the Commission on the basis of consensus, as far as possible. The Council welcomes the Commission's intention to work together with these experts to this end.

The Council reiterates the importance of the above consultations and the need for the Commission to take full account of the Member States experts' opinion. The Council reserves the right to consider the options provided for under this Regulation on the European satellite navigation systems, in particular the expression of objection to the respective delegated acts.

Commission statement regarding Article 14(1)

1. The Commission will, when preparing the delegated acts referred to in Article 14(2), ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council, carry out appropriate and transparent consultations well in advance, including where appropriate as regards the practical effect to be given to these delegated acts, in particular with experts from the national authorities of all the Member States which will be responsible for implementing these delegated acts once they have been adopted or amended, and take full account of the opinions of these experts.
2. In view of the fact that questions of national security are particularly relevant when preparing, drawing up, amending and where appropriate giving practical effect to the delegated acts referred to in Article 14(2), the Commission welcomes the intention by Member States to designate as experts in this process the representatives of their respective national authorities in the Security Board for the European GNSS Systems, established by Commission Decision 2009/334/EC, and also welcomes the position of the Member States that these experts, working together with the Commission, should endeavour, as far as possible, to advise the Commission on the basis of consensus.

Statement by France, Germany and the United Kingdom

France, Germany and the United Kingdom point out that use of delegated acts is justified only when there is a proven need to supplement or amend non-essential elements of a legislative act, while the essential elements of an area are reserved by the Treaty for the legislative act itself. The power of delegation cannot therefore be regarded as an adjustment variable in the negotiations.

In the present case, France, Germany and the United Kingdom believe that security issues, for which provision is made in this instance for the use of delegated acts, should have fallen under the basic act. In addition, they regret the combined use of delegated acts and implementing measures, which will not in any way constitute a simplification or help to make the law clearer or more accessible. They will therefore pay particular attention to the content of delegated acts which might subsequently be adopted in this context.

Statement by the Federal Republic of Germany

Taking into account the importance of security related issues the Federal Republic of Germany would like to stress the fact that on 25.11.2013 the Council Security Committee (CSC) unanimously adopted its opinion on the Commission Delegated Decision concerning the adoption of Common Minimum Standards (CMS) for the Public Regulated Service (PRS) of the European GNSS Programme (Doc 16439/13).

In this opinion the CSC concluded that delegated acts in general were “unsuited an instrument for addressing security-sensitive matters” given that the Council could only take an all or nothing approach during the formal adoption process. The CSC also stated that this point “should be borne in mind by the legislator when adopting future legislative acts touching on security.”

This opinion had not been delivered at the time when the GNSS Regulation was negotiated earlier this year and therefore could not be taken into consideration.

Nevertheless, it should be borne in mind for future amendments of the GNSS Regulation.

Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU OJ L 348, 20/12/2013, p. 1–128	PE-CONS 42/13	Qualified majority	All member states in favour
Joint statement by Slovenia and Croatia In the light of the next review of the Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network (the Regulation), Slovenia and Croatia agree to consider a common study. Taking into consideration the most appropriate alignment of the TEN-T network between the relevant main/core nodes (e.g. Ljubljana, Zagreb, München, Wien), the study would aim to explore the most appropriate alignment of the railway connection between Zagreb and Maribor. The study would take into account all relevant social, economic, financial, climate and environmental benefits and costs, future transport needs and flows as well as the methodology and objectives set out in the Regulation. The European Commission will be asked to co-finance this study.			

Statement by Italy

Italy strongly disapproves of the failure to include the port of Civitavecchia in Annex II of the Regulation on guidelines for the Trans-European Transport Network.

The request to include the port of Civitavecchia in the list of ports of the core network was made repeatedly at both technical and political level. It was also made repeatedly in Parliament.

The port of Civitavecchia serves the primary urban node of Rome, which is not only a capital city but also, based on the European methodology, a MEGA node and a Larger Urban Zone (LUZ) with more than one million inhabitants.

Both Article 47(1) of the Regulation on guidelines and the methodology adopted by the Commission (Annex 2, point 2 of SEC(2011) 101 final of 19 January 2011)¹ sanction the inclusion of the port of Civitavecchia in the core network.

The port of Civitavecchia is at the top of the European rankings in terms of the number of embarkations, disembarkations and transits.

The geographical distance between the port of Civitavecchia and the urban node of Rome is justified by the depth of the navigable channels.

It is an incontrovertible fact that, for historical and geographical reasons, the port of Civitavecchia is the main port serving the city of Rome.

Civitavecchia is the Port of Rome.

Italy reserves the right to undertake any initiative that may remedy the unjustified failure to include Civitavecchia in the core network.

Statement by the Commission

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 (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.

¹ The text of the Regulation on guidelines (Article 47(1), first indent) states that nodes of the core network include "**urban nodes, including their ports and airports**". Under the Commission methodology (Annex 2, point 2.2, page 25 of the English version), a primary node is: "a capital city of an EU Member State", "a Metropolitan Growth Area" (MEGA) or "a conurbation (...) which exceeds 1 million inhabitants".

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom OJ L 13, 17/01/2014, p. 1–73	13675/13
3279th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 5 and 6 December 2013	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision on the signing, on behalf of the European Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data	12653/13
<p>Statement by Denmark In accordance with Article 29 of the Agreement the European Commission may notify Canada that Denmark has chosen to be bound by the Agreement. The European Commission's notification to Canada concerning Denmark can only take place if Denmark, in accordance with its constitutional requirements, has taken the steps necessary for it to be bound by agreements of the European Union in the area of Freedom, Security and Justice. Until then Denmark is not bound by the Agreement or subject to its application in accordance with Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and the Treaty of the Functioning of the European Union.</p>	

Council Conclusions on alerts pursuant to Article 26 of Regulation (EC) No 1987/2006 on the establishment, operation and use of the SIS II	17112/13
Statement of the Commission The Commission recognises the importance of increasing the efficiency of restrictive measures against third country nationals by effectively prohibiting their entry or transit in the Schengen area. To this end it fully supports the initiative of the Presidency. It has to be underlined, however, that the implementation of such restrictive measures are primarily the responsibility of Member States since (i) they are provided for in CFSP decisions and (ii) Member States have exclusive access to SIS II. Therefore, the successful outcome of a coordinated review mechanism can only be achieved if Member States do their outmost on improving data quality and national procedures.	
Council Conclusions on Mass Evacuation in Case of Disasters in the European Union	16155/13
Council Decision authorising the Commission to open negotiations on the conclusion of an agreement between the European Union and the Kingdom of Morocco on the facilitation of the issuance of short-stay visas	16084/13
Council Conclusions adopting the 2014-2016 EU work programme on minimising risks to safety, security and public order in connection with sports events, in particular football matches, with an international dimension	16373/13
Council Decision on the signing and provisional application, on behalf of the Union, of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part, on a Framework Agreement between the European Union and Georgia, on the general principles for the participation of Georgia in Union programmes	16611/13

Council Decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia of the other part, on a Framework Agreement between the European Union and Georgia on the general principles for the participation of Georgia in Union programmes	16612/13 + COR 1
Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part, on a Framework Agreement between the European Union and Georgia, on the general principles for the participation of Georgia in Union programmes	16613/13 + COR 1
Council Decision establishing the position to be taken by the European Union within the 9th Ministerial Conference of the World Trade Organization regarding food security, Tariff Rate Quota administration and the Monitoring Mechanism	15637/13
Council Conclusions on combating hate crime in the European Union	17057/13
Council Conclusions on the EU Citizenship Report 2013	16783/13
Council Conclusions on the evaluation of the European Union Agency for Fundamental Rights	16622/13

3280th meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS) held in Brussels on 9 and 10 December 2013

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
2013/744/EU: Council Decision of 9 December 2013 on the signing, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, as regards its provisions on obligations related to judicial cooperation in criminal matters, the definition of criminal offences, and police cooperation OJ L 333, 12/12/2013, p. 73–74	14929/13
2013/745/EU: Council Decision of 9 December 2013 on the signing, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, with the exception of its provisions on obligations related to judicial cooperation in criminal matters, the definition of criminal offences, and police cooperation OJ L 333, 12/12/2013, p. 75–76	14711/13 + COR 1 + COR 2 + ADD 1

Statement by the BE, BG, CZ, DK, DE, EE, EL, ES, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI and UK delegations

The aforementioned delegations would like to draw the attention to the implementation of the WHO FCTC Protocol to eliminate illicit trade in tobacco products and request the Commission that every possible effort is made to limit any disproportional administrative burdens on either administrations or industry.

Statement by the BE, BG, CZ, DK, DE, EE, IE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI and UK delegations

Pursuant to Article 44 third paragraph of the FCTC Protocol to Eliminate Illicit Trade in Tobacco Products, the Union shall declare the extent of their competence with respect to the matters governed by the Protocol. The aforementioned delegations hereby confirm that a thorough discussion on the competence shall be conducted in the appropriate Council bodies and that a full and detailed list of competences shall be agreed as part of the decision on the Conclusion of the Protocol, in accordance with the rules of procedure.

Statement by the BE, BG, CZ, DK, DE, EE, IE, EL, HR, IT, CY, LV, LT, LU, HU, NL, AT, PT, RO, SI and FI delegations

Given the importance of reaching an agreement within a reasonable deadline on the Decision on the signing of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organization's Framework Convention on Tobacco Control, the Council decided not to identify in detail, at the stage of the signature, the provisions of the said Protocol which contain obligations for the contracting parties related to judicial cooperation in criminal matters, the definition of criminal offences and police cooperation. At first sight, those are Articles 14, 16, 19, 23, 26, 27, 29 and 30 of the Protocol, but the Council intends to examine further this issue with a view to having a list ready for the moment when it will take the decision on the conclusion of the Protocol.

Statement by the AT and RO delegations

The aforementioned delegations hold the view that Council decisions in accordance with Article 218 TFEU always concern an agreement in its entirety. A splitting into several decisions which refer to individual articles of an agreement is legally not viable.

Statement by the IT, PL, PT, SK and RO delegations

The aforementioned delegations particularly welcome the provisions on tracking and tracing provided for in the Article 8 of the “Protocol to eliminate illicit trade in tobacco products”. These delegations therefore request the Commission to ensure that, should the Proposal for the revision of “Directive 2001/37/CE on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products” provide measures on tracking and tracing, the latter should be consistent with those of the Protocol.

Statement by the BG, CZ, DK, DE, EL, ES, FR, HR, IT, CY, LV, LU, HU, MT, NL, AT, PL, PT, RO, SK, SE, FI and UK delegations

The global information sharing focal point, in Article 8, paragraphs 1 and 8-9 of the Protocol, must not be a global database system. The aforementioned delegations understand that the provision on access to a manufacturer’s database, by the competent authority in the jurisdiction of the tobacco manufacturer, shall be considered to fulfil the requirements of the global information sharing focal point.

Statement by the UK delegation

Under Article 4 TFEU, the area of freedom, security and justice is an area of shared competence. As the Protocol does not affect or alter the scope of any existing internal EU rules in this area, the EU has not acquired exclusive external competence by virtue of Article 3(2) TFEU and this area therefore remains an area of shared competence. The UK therefore holds the view that, in this particular set of circumstances, a separate Council Decision authorising the EU to sign the Protocol in relation to the area of freedom, security and justice is not necessary.

Statement by the Council

Within the EU, Article 6 of the Protocol will be implemented through the system laid down in Directive 2008/118/EC, insofar as it concerns manufactured tobacco within the meaning of Directive 2011/64/EU (cigarettes, cigars, cigarillos and smoking tobacco).

Statements by the Commission

1. The Commission considers that limiting the Council's decision on signature to matters over which the Union has exclusive competences is not justified in the present case. Areas of exclusive competence in the Protocol are essential, and cannot be severed from parts of shared competence. In the Commission's view, the signature of the Union ought to be understood as indicating its intention to consider the conclusion of the totality of the Protocol, severally with the Member States acting reciprocally in respect of Article 4(3) TEU.
2. The Commission considers that, in principle, it is premature and not necessary to include any statement dealing with the implementation of the Protocol at the stage of signature. In particular, one statement of Member States appears to refer to matters which are not yet established, and the functioning and implementation of which is not yet known. In consequence, a final EU position on such matters, as for instance the implementation of the Protocol as regards the data management with the global information sharing focal point under Article 8 (8) of the Protocol, can only be reached when all the available technical and administrative options will be known to the EU and the Member States.

Council Regulation (EU) No 1325/2013 of 9 December 2013 amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff OJ L 334, 13/12/2013, p. 2–3	16241/13
Council Regulation (EU) No 1326/2013 of 9 December 2013 amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff OJ L 334, 13/12/2013, p. 4–5	16243/13
Council Decision on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement	15552/13
Council Decision 2013/726/CFSP of 9 December 2013 in support of the UNSCR 2118 (2013) and OPCW Executive Council EC-M-33/Dec 1, in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction OJ L 329, 10/12/2013, p. 41–43	16799/13
Council Decision 2013/729/CFSP of 9 December 2013 amending Decision 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) OJ L 332, 11/12/2013, p. 18–18	15843/13

Council Decision 2013/730/CFSP of 9 December 2013 in support of SEESAC disarmament and arms control activities in South East Europe in the framework of the EU Strategy to Combat the Illicit Accumulation and Trafficking of SALW and their Ammunition OJ L 332, 11/12/2013, p. 19–30	16234/13
Council Decision 2013/725/CFSP of 9 December 2013 amending and extending Decision 2012/173/CFSP on the activation of the EU Operations Centre for the Common Security and Defence Policy missions and operation in the Horn of Africa OJ L 329, 10/12/2013, p. 39–40	15865/13
Council Conclusions on the "Effectiveness of institutional mechanisms for the advancement of women and gender equality"	17605/13
Council Recommendation on effective Roma integration measures in the Member States	16790/13
Council Conclusions on the "Reflection process on modern, responsive and sustainable health systems"	16570/13

Adoption of legislative act following the European Parliament's Second Reading (Strasbourg, 9 to 12 December 2013)			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC OJ L 354, 28/12/2013, p. 22–61	17446/13 PE-CONS 119/13	Not applicable	Not applicable
Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 OJ L 354, 28/12/2013, p. 1–21	17447/13 PE-CONS 118/13	Not applicable	Not applicable
Regulation (EU) No 37/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures OJ L 18, 21/01/2014, p. 1–51	17697/13 PE-CONS 145/13	Not applicable	Not applicable
Regulation (EU) No 38/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures OJ L 18, 21/01/2014, p. 52–69	17698/13 PE-CONS 146/13	Not applicable	Not applicable

3281st meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS) held in Brussels on 10 and 18 December 2013

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013	16853/13
Council Recommendation with a view to bringing an end to the situation of an excessive government deficit in Poland	16852/13
Council Conclusions on Special Report No 23/2012 by the European Court of Auditors: "Have EU Structural Measures Successfully Supported the Regeneration of Industrial and Military Brownfield Sites?"	16734/13
2013/746/EU: Council Decision of 10 December 2013 amending the Council's Rules of Procedure OJ L 333, 12/12/2013, p. 77–78	16003/13
Council Conclusions on stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products in the EU	16644/13
Council Regulation (EU) No 1331/2013 of 10 December 2013 adjusting, from 1 July 2012 , the rate of contribution to the pension scheme of officials and other servants of the European Union OJ L 335, 14/12/2013, p. 1–2	16208/13
Council Implementing Regulation (EU) No 1361/2013 of 17 December 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 343, 19/12/2013, p. 7–8	17805/13

3282nd meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY), held in Brussels on 12 December 2013

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Regulation (EU) No 1342/2013 of 12 December 2013 repealing the anti-dumping measures on imports of certain iron or steel ropes and cables originating in the Russian Federation following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 OJ L 338, 17/12/2013, p. 1–10	16733/13
Council Implementing Regulation (EU) No 1343/2013 of 12 December 2013 imposing a definitive anti-dumping duty on imports of peroxosulphates (persulphates) originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 OJ L 338, 17/12/2013, p. 11–22	16740/13

3283rd meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 12 December 2013	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
2013/759/EU: Council Decision of 12 December 2013 regarding transitional EDF management measures from 1 January 2014 until the entry into force of the 11th European Development Fund OJ L 335, 14/12/2013, p. 48–49	15946/13
Council Conclusions on the report from the Commission on EU Support for Democratic Governance, with a focus on the Governance Initiative	16186/13
Conclusions of the Council and of the Representatives of the Governments of the Member States on the Financing poverty eradication and sustainable development beyond 2015	16718/13
Council Conclusions on the annual report 2013 on the European Union's Development and External Assistance Policies and their Implementation in 2012	17166/13
Council Conclusions on Policy Coherence for Development	17555/13

3284th meeting of the Council of the European Union (ENVIRONMENT) held in Brussels on 13 December 2013	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
2013/790/EU: Council Decision of 13 December 2013 on the acceptance on behalf of the European Union of the Amendment to Articles 25 and 26 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes OJ L 349, 21/12/2013, p. 98–99	12713/13 + COR 1
2013/791/Euratom: Council Decision of 13 December 2013 amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it OJ L 349, 21/12/2013, p. 100–102	16372/13
Council Regulation (Euratom) No 237/2014 of 13 December 2013 establishing an Instrument for Nuclear Safety Cooperation OJ L 77, 15/03/2014, p. 109–116	16737/13
Council Regulation (Euratom) No 1369/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programme in Lithuania, and repealing Regulation (EC) No 1990/2006 OJ L 346, 20/12/2013, p. 7–11	16635/13 + COR 1

Council Regulation (Euratom) No 1368/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia, and repealing Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010 OJ L 346, 20/12/2013, p. 1–6	16633/13 + COR 1		
Council Decision authorising the opening of negotiations on a bilateral agreement between the European Union and the Swiss Confederation on participation of the Swiss Confederation in the Erasmus+ programme for education, training, youth and sport	15682/13		
Council Decision 2013/760/CFSP of 13 December 2013 amending Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 335, 14/12/2013, p. 50–51	16767/13		
Council Regulation (EU) No 1332/2013 of 13 December 2013 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 335, 14/12/2013, p. 3–7	17083/13 + COR 1		
3285th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 16 and 17 December 2013			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal OJ L 347, 20/12/2013, p. 259–280	PE-CONS 81/13	Qualified majority	All Member States in favour

Joint statement of the European Parliament and of the Council concerning the application of Article 6 of the ERDF Regulation, Article 15 of the ETC Regulation and Article 4 of the Cohesion Fund Regulation

The European Parliament and the Council note the assurance provided by the Commission to the EU legislature that the common output indicators for the ERDF Regulation, the ETC Regulation and the Cohesion Fund Regulation to be included in an annex to, respectively, each regulation, are the outcome of a lengthy preparatory process involving the evaluation experts of both the Commission and the Member States and, in principle, are expected to remain stable.

Regulation (EU) No 1300/2013 of the European Parliament and of the Council of 17 December 2013 on the Cohesion Fund and repealing Council Regulation (EC) No 1084/2006
OJ L 347, 20/12/2013, p. 281–288

PE-CONS 82/13

Qualified
majority

All Member States
in favour

Joint statement of the European Parliament and of the Council concerning the application of Article 6 of the ERDF Regulation, Article 15 of the ETC Regulation and Article 4 of the Cohesion Fund Regulation

The European Parliament and the Council note the assurance provided by the Commission to the EU legislature that the common output indicators for the ERDF Regulation, the ETC Regulation and the Cohesion Fund Regulation to be included in an annex to, respectively, each regulation, are the outcome of a lengthy preparatory process involving the evaluation experts of both the Commission and the Member States and, in principle, are expected to remain stable.

Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 OJ L 347, 20/12/2013, p. 289–302	PE-CONS 83/13	Qualified majority	All Member States in favour
<p>Joint statement of the European Parliament and of the Council concerning the application of Article 6 of the ERDF Regulation, Article 15 of the ETC Regulation and Article 4 of the Cohesion Fund Regulation</p> <p>The European Parliament and the Council note the assurance provided by the Commission to the EU legislature that the common output indicators for the ERDF Regulation, the ETC Regulation and the Cohesion Fund Regulation to be included in an annex to, respectively, each regulation, are the outcome of a lengthy preparatory process involving the evaluation experts of both the Commission and the Member States and, in principle, are expected to remain stable.</p>			
<p>Statement by the Commission relating to Article 11(2)</p> <p>The Commission shares the objective expressed by the European Parliament of simplifying state aid procedures as regards operating aid granted to undertakings established in the outermost regions which are linked to the offsetting of the additional costs incurred in such regions as a result of their specific economic and social situation.</p> <p>According to the proposal for the future General Block Exemption Regulation (GBER) as recently published by the Commission services , operating aid intended to compensate certain additional costs incurred by beneficiaries established in these regions would be considered compatible with the internal market, under the conditions stipulated therein, and would thus be exempted from notification under Article 108(3) TFEU. The Commission considers that this will provide a sound basis for achieving the simplification which is sought, and will take full account of all observations received from Member States in the on-going consultation process in view of the adoption of the Regulation in 2014.</p>			

Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 OJ L 347, 20/12/2013, p. 470–486	PE-CONS 87/13	Qualified majority	All Member States in favour
Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such grouping OJ L 347, 20/12/2013, p. 303–319	PE-CONS 84/13	Qualified majority	All Member States in favour
<p>Joint statements by the European Parliament, the Council and the Commission relating to awareness raising and Article 4 and 4a of the EGTC Regulation</p> <p>The European Parliament, the Council and the Commission agree to undertake better coordinated efforts for awareness raising among and inside the institutions and Member States in order to improve the visibility of the possibilities to use EGTCs as an optional instrument available for territorial cooperation in all EU policy areas.</p> <p>In this context, the European Parliament, the Council and the Commission invite Member States in particular to undertake appropriate actions of coordination and communication among national authorities and between authorities of different Member States in order to ensure clear, efficient and transparent procedures of authorisation of new EGTCs within the time limits fixed.</p>			

Joint statements by the European Parliament, the Council and the Commission relating to Article 1(9) of the EGTC regulation

The European Parliament, the Council and the Commission agree that when applying Article 9(2)(i) of Regulation (EU) No 1082/2006 as amended, the Member States will endeavour, when assessing the rules to be applicable to the EGTC staff members as proposed in the draft convention, to consider the different available employment regime options to be chosen by the EGTC, be it under private or public law.

Where employment contracts for EGTC staff members are governed by private law, Member States will also take into account relevant EU law, such as Regulation (EC) No 593/2008 of the EP and the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I), as well as the related legal practice of the other Member States represented in the EGTC.

The European Parliament, the Council and the Commission further understand that where employment contracts for EGTC staff members are governed by public law, national public law rules will be those of the Member State where the respective EGTC organ is located. However, national public law rules of the Member State where the EGTC is registered may apply as regards EGTC staff members already subject to these rules prior to becoming an EGTC staff member.

Joint statements by the European Parliament, the Council and the Commission relating to the role of the Committee of the Regions in the framework of the EGTC platform

The European Parliament, the Council and the Commission take note of the valuable work carried out by the Committee of the Regions in the framework of the EGTC Platform overseen by it and encourage the Committee of the Regions to further track the activities of existing EGTCs and those in the process of being set up, organise an exchange of best practice and identify common issues.

Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 OJ L 347, 20/12/2013, p. 320–469	PE-CONS 85/13	Qualified majority	All Member States in favour except: Abstaining: UK
<p>Joint Statements by the Council and the Commission on Article 67</p> <p>The Council and the Commission agree that Article 67 (4) which excludes the application of simplified costs set out in Article 67 (1) (b)-(d) in cases where an operation or a project forming part of an operation is implemented exclusively through public procurement procedures does not preclude the implementation of an operation through public procurement procedures which result in payments by the beneficiary to the contractor based on pre-defined unit costs. The Council and the Commission agree that the costs determined and paid by the beneficiary based on these unit costs established through public procurement procedures shall constitute real costs actually incurred and paid by the beneficiary under Article 67 (1)(a).</p>			
<p>Joint Statements by the Council and the Commission on Article 145(7)</p> <p>The Council and the Commission confirm that for the purpose of Article 145(7) CPR the reference to the term "applicable law" in relation to the assessment of serious deficiencies in the effective functioning of management and control systems includes interpretations of this law made by the Court of Justice of the European Union, by the General Court of the European Union or by the Commission applicable at the date when the relevant management declarations, annual control reports and audit opinions were submitted to the Commission.</p>			

Joint Statements by the European Parliament, the Council and the Commission on the revision of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council linked with the reconstitution of appropriations

The European Parliament, the Council and the Commission agree to include in the revision of the Financial Regulation, aligning Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council to the Multiannual Financial Framework 2014-20, provisions necessary for the application of the arrangements for the allocation of the performance reserve and in relation to the implementation of financial instruments under Article 39 (SME initiative) under the Regulation laying down common provisions for the European Structural and Investment Funds concerning the reconstitution of:

- i) appropriations which had been committed to programmes in relation to the performance reserve and which had to be decommitted as a result of priorities under these programmes not having attained their milestones and;
- ii) appropriations which had been committed in relation to dedicated programmes referred to under Article 39(4)b and which had to be decommitted because the participation of a Member State in the financial instrument had to be discontinued.

Joint Statements by the European Parliament, the Council and the Commission on Article 1

If further justified derogations to the common rules are needed to take into account specificities of the EMFF and of the EAFRD, the European Parliament, the Council and the European Commission commit to allow for these derogations by proceeding with due diligence to the necessary modifications to Regulation laying down common provisions for the European Structural and Investment Funds.

Joint Statement by the European Parliament and the Council on the exclusion of any retroactivity with regard to the application of Article 5(3)

The European Parliament and the Council agree that:

- concerning the application of Articles 14(2), 15(1)(c), and 26 (2) of Regulation laying down common provisions for the European Structural and Investment Funds, the actions taken by the Member States to involve the partners referred to in Article 5(1) in the preparation of the Partnership Agreement and the programmes referred to in Article 5 (2) include all actions taken on a practical level by the Member States irrespective of their timing as well as actions taken by them before the entry into force of that Regulation and before the day of the entry into force of the delegated act for a European code of conduct adopted in accordance with Article 5(3) of the same Regulation, during the preparatory phases of a Member State programming procedure, provided that the objectives of the partnership principle, laid down in that Regulation, are achieved. In this context, Member States, in accordance with their national and regional competences, will decide on the content of both, the proposed Partnership Agreement and proposed draft programmes, in accordance with the relevant provisions of that Regulation and the fund specific rules;
- the delegated act laying down a European code of conduct, adopted in accordance with Article 5(3), will under no circumstances and neither directly nor indirectly have any retroactive effect, especially concerning the approval procedure of the Partnership Agreement and the programmes, since it is not the intention of the EU legislature to confer any powers on the Commission to the effect that it could reject the approval of the Partnership Agreement and programmes solely and exclusively based on any kind of non-compliance with the European code of conduct, adopted in accordance with Article 5(3);
- the European Parliament and the Council invite the Commission to make available for them the draft text of the delegated act to be adopted under article 5(3) as early as possible, but not later than the date when the political agreement on the Regulation laying down common provisions for the European Structural and Investment Funds is adopted by the Council or the date when the draft report on that Regulation is voted at the plenary of the European Parliament, whichever date is the earliest.

Statements by the Commission on Article 123 paragraph 5

The purpose of this Article is to ensure that there are guarantees of the real independence of audit authorities where the size of the operational programme means that the risk is higher, without putting in question the organisational arrangements of those audit authorities for which the experience of the 2007-2013 programming period demonstrates their effective independence and reliability.

The Commission will actively seek to apply the provisions of Article 73(3) of Council Regulation (EC) N° 1083/2006 and of Article 73(3) of Council Regulation N° 1198/2006 so that in the cases where it is able to conclude that the criteria are fulfilled, it will be able to inform the Member State as soon as possible, and before the end of 2013, that it can rely principally on the opinion of the audit authority.

Statements by the Commission on Article 22

1. The Commission considers that the principal purpose of the performance framework is to stimulate effective delivery of programmes to attain the planned results and that the measures in paragraphs 6 and 7 should be applied with due regard for that purpose.
2. Where the Commission has suspended all or part of interim payments for a priority under paragraph 6, the Member State may continue to submit requests for payment in relation to the priority in order to avoid decommitment for the programme under Article 86.
3. The Commission confirms that it will apply the provisions of Article 22 (7) so that there will be no double loss of funds in relation to underachievement of targets linked to under-absorption of funds under a priority. Where part of commitments to a programme have been decommitted as a result of the application of Articles 86 to 88 with a consequent reduction in the amount of support for the priority, or where at the end of the programming period there is underspending of the amount allocated to the priority, the relevant targets set out in the performance framework shall be adjusted pro-rata for the purpose of the application of Article 22 (7).

Statements by the Commission in relation to compromise text on indicators

The Commission confirms that it will complete its guidance documents on the common indicators for ERDF, ESF, Cohesion Fund and European Territorial Cooperation in consultation with the respective evaluation networks comprising national evaluation experts within 3 months of the adoption of the Regulations. These guidance documents will include definitions of each common indicator and methodologies for gathering and reporting data on the common indicators.

Statements by the Commission on the phasing of operations under Cohesion Policy operational programmes of the 2007-2013 programming period in the 2014-2020 programming period

As a general principle, Member States have to ensure that all operations are functioning, meaning completed and in use, by the time of submission of the closure documents in order to declare the related expenditure as eligible. It is recalled that each operation should be selected and implemented in order to contribute to the achievement of the objectives of a particular programme and priority axis.

Member States are responsible for defining each operation, including its scope, objectives and outputs. This provides Member States with the flexibility necessary to select for support operations which will be functioning by the end of a programming period.

Exceptionally and in duly justified circumstances, the Member States may need to adjust a selected operation which cannot be completed by the end of the period by phasing its implementation over two programming periods. The Commission confirms that this flexibility exists subject to the conditions laid down for the purposes of programme closure (guidelines on the closure of operational programmes adopted for assistance from the European Regional Development Fund, the European Social Fund and the Cohesion Fund (2007-2013)). In such a case the two phases constitute separate operations each of which will be implemented under the rules applicable for the respective programming periods, although the overall objective to be achieved after implementation of both phases in order to ensure the functioning of the operation should be set out for each phase.

In addition the Commission may approve the phasing of major projects where the implementation period is expected to be longer than the programming period either in the decision approving a major project or in a subsequent amendment thereto.

Statements by the Commission in relation to Article 127 on non-statistical sampling

The Commission notes that in relation to the issue of non-statistical sampling, Article 127(1) provides that such a sample must cover at least 5 % of operations for which expenditure has been declared to the Commission during an accounting year and 10 % of expenditure which has been declared to the Commission during an accounting year. It further notes that guidance issued by the Commission on sampling methods for audit authorities for the 2007-2013 programming period indicates that the sample size in the case of non-statistical sampling should generally be not less than 10 % of the population of operations. The Commission considers that the possibility of reduction in the size of the sample of operations to 5 % presents a risk that the sample will be insufficiently representative and will therefore have the effect of weakening the audit assurance.

Statements by the Commission on flat rates

The Commission takes note of Member States' strong wish that flat rate revenue percentages for the sectors or subsectors within the fields of ICT, research, development and innovation, and energy efficiency are established as soon as possible pursuant to Article 61 of the common Provisions Regulation. The establishment of flat rates requires reliable and representative historic data in order to ensure a solid basis for the flat rate and to minimise the risks of over-financing. Consequently, the Commission will prepare the tender process for the launch of a study to collect and analyse the necessary data throughout the EU without waiting for the adoption of the legislative package, and will plan and manage the study, and draw the conclusions from its results so as to be able to adopt a delegated act setting out the flat rates for these sectors or subsectors at the earliest possible date and by 30 June 2015 at the latest.

Statements by the Commission on Article 23

The Commission confirms that it will, not later than 6 months from the entry into force of the Common Provisions Regulation, issue guidelines in the form of a Communication of the Commission explaining how it envisages that the provisions on measures linking effectiveness of ESI Funds to sound economic governance in Article 23 CPR will be applied. The guidelines will cover in particular the following elements:

- in relation to paragraph 1, the notion of 'review' and the types of 'amendments' to Partnership Agreements and programmes that could be requested by the Commission as well as clarifying what can constitute 'effective action' within the meaning of paragraph 6;
- in relation to paragraph 6, an indication of the circumstances which may give rise to suspension of payments, including criteria which may be relevant in determining the programmes which could be suspended or in determining the level of suspension of payments.

Statements by the Commission on the amendment of Partnership agreements and programmes in the context of Article 23

The Commission considers that, notwithstanding the provisions of Article 23(4) and (5), it may when necessary make observations on proposals for the amendment of Partnership Agreements and programmes submitted by Member States pursuant to Article 23(4), in particular where these are not consistent with the prior response submitted by those Member States pursuant to Article 23(3), and in any event on the basis of Articles 16 and 30. It considers that the deadline of three months for the adoption of the decision approving the amendments to the Partnership Agreement and the relevant programmes set out in Article 23 (5) runs from the submission of the proposals for amendments pursuant to paragraph 4 provided that these take adequately account of any observations made by the Commission.

Statements by the Commission on the impact of the agreement reached by the co-legislators on the performance reserve and pre-financing levels on the payment ceilings

The Commission considers that the additional payment appropriations, which may be required in 2014 -2020, as a result of the changes introduced for the performance reserve and pre financing, remain limited.

The consequences should be manageable respecting the draft MFF Regulation.

The annual fluctuations in the global level of payments, including those generated by the changes referred to, will be managed through the use of the global margin for payments and the special instruments agreed upon in the draft MFF Regulation.

The Commission will monitor the situation closely and present its evaluation as part of the mid-term review.

Statement by the European Parliament on the application of Article 5

The European Parliament takes note of the information transmitted on 19 December 2012 by the Presidency following COREPER debates through which the Member States stated their intention to take into account in the preparatory stage of programming as far as possible the principles of the draft Regulation laying down common provisions for the European Structural and Investment Funds as the draft Regulation stood at the time of that transmission of information concerning the strategic programming bloc including the spirit and the content of the principle of partnership as laid down in Article 5.

Statement by Denmark, Austria, France, Germany, the Netherlands, Sweden, Finland and the United Kingdom Denmark, Austria, France, Germany, the Netherlands, Sweden, Finland and the United Kingdom agree that it is of decisive importance that the increase in payments caused by the amendments to the Council general approach in the final compromise on the cohesion legislative package as regards the performance reserve and advances can be managed within the payments ceilings as stated repeatedly by the Commission during the negotiations.			
Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism Text with EEA relevance OJ L 347, 20/12/2013, p. 924–947	PE-CONS 97/13	Qualified majority	All Member States in favour except: Abstaining: UK Against: AT, DE
Statement by the European Parliament, the Council and the Commission The European Parliament, the Council and the Commission take note of the approach taken in Article 19(4), (5) and (6) and in Annex I, which responds to the specificities of this Decision and is with no precedent value to other financial instruments.			
Statement by the Commission Without prejudice to the annual budgetary procedure, it is the Commission’s intention to present to the European Parliament an annual report on the implementation of the Decision, including the budget breakdown set out in Annex I, starting from January 2015. This approach is based upon the specific nature of civil protection policy and is with no precedent value to other financial instruments.			

Regulation (EU) No 1384/2013 of the European Parliament and of the Council of 17 December 2013 amending Council Regulation (EC) No 55/2008 introducing autonomous trade preferences for the Republic of Moldova OJ L 354, 28/12/2013, p. 85–85	PE-CONS 111/13	Qualified majority	All Member States in favour
Regulation (EU) No 1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020 OJ L 354, 28/12/2013, p. 73–83	PE-CONS 90/13	Qualified majority	All Member States in favour except: Not participating: DK, UK
Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 OJ L 354, 28/12/2013, p. 62–72	PE-CONS 89/13	Qualified majority	All Member States in favour
Regulation (EU) No 1383/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EU) No 99/2013 on the European statistical programme 2013-17 OJ L 354, 28/12/2013, p. 84–84	PE-CONS 108/13	Qualified majority	All Member States in favour

Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 OJ L 347, 20/12/2013, p. 855–864	PE-CONS 99/13	Qualified majority	All Member States in favour except: Against: DE, UK
Decision No 1359/2013/EU of the European Parliament and of the Council of 17 December 2013 amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances OJ L 343, 19/12/2013, p. 1–1	PE-CONS 114/13	Qualified majority	All Member States in favour except: Against: PL
Statement by Belgium, Denmark, Estonia, Italy, Luxembourg, the Netherlands, Sweden, Slovenia and the United Kingdom 1. We are firmly committed to the EU Emissions Trading System (ETS) as being at the heart of the EU's climate change and low carbon investment policies up to and well beyond 2020. 2. However, we remain deeply concerned that the ETS as currently designed cannot provide the price signals needed to stimulate the low carbon investment needed now because of the significant imbalance between demand and supply in the ETS in recent years leading to a very low carbon price. These issues also threaten the credibility of carbon markets as the most flexible, cost-effective way to achieve emissions reductions. 3. Backloading is a first step to provide a short term fix pending structural reform of the EU ETS. However, there is an urgent need for a renewed focus on more substantive measures to strengthen the system. We now urge the Commission to bring forward, by the end of the year at the latest, proposals to perform a proper structural reform of the EU ETS, in order to give investors a clear signal on Europe's low carbon ambition beyond 2020 and to stimulate low carbon investments and the most cost-effective emission reductions.			

Statement by Poland

In our opinion any interference in the EU ETS is not needed, because the EU ETS is presumably a market mechanism, which has to lead to anything other than reducing emissions in the most cost-effective way.

Political and legal actions aimed at temporary reduction in the number of allowances in the system may temporary increase their prices, but will certainly have negative impact on the reliability and predictability of the system, reducing the confidence of its participants.

Proposals for political intervention in the EU ETS market may actually be seen as a clear signal of the instability of the market, adversely affecting the investment decisions in the industry. Ad hoc solutions changing the rules during the game are harmful to the credibility of the market and may even cause an increase in global emissions due to carbon leakage.

In addition, the problem arises when the allowances previously withdrawn from the market are re-introduced to the market at a later date. Such actions will not change the situation on the market, except that volatility will increase in the short term.

Current proposal will give Commission rights to intervene in the market in which it should be only the regulator. It is a dangerous precedent that could change the market nature of the ETS and could threaten the achievement of the objectives of the system in a cost effective manner.

Taking the foregoing into account, Poland cannot support the proposal and votes against its adoption.

Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009

OJ L 347, 20/12/2013, p. 608–670

PE-CONS 95/13

Qualified
majority

All Member States
in favour

Statements by the Commission on Article 9(2) of Direct Payments

Article 9(2) of the draft Direct Payments Regulation does not preclude a farmer from leasing a building, or buildings, or parts thereof, to third parties or from owning stables, provided those activities do not constitute the farmer's main occupation.

Statements by the Commission on coupled support

For agricultural products, notably for those not eligible to coupled support according to Article 38(1) of the Direct Payments Regulation, the Commission shall closely follow their market evolution and, in case of severe market crisis, may resort to any appropriate measures at its disposal to improve the market situation.

Statements by the Commission on the non-opinion clause

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(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.

Statement by the Council on Article 5(4), subparagraph 2, point b) of Regulation (EU) No 182/2011 on Committee Procedure

The Council, having regard to the Commission statement on the so called non-opinion clause, reiterates that Article 5(4), subparagraph 2, point b) of Regulation 182/2011 on Committee Procedure is not, and was not meant to be, an exception to a general rule.

It is up to the legislature to determine, in the basic act and in the light of the specific features of each case, whether or not to avail itself of the option made available by point (b) of the second subparagraph of Article 5(4), thus preventing the Commission from adopting a draft implementing act in the absence of an opinion from the committee. No legal considerations limit the use of this option. Unlike other provisions of the Regulation on Committee Procedure, Article 5(4) requires no specific justification for this choice.

Statement by Poland on the scope of coupled support

In the framework of discussion in the Council for Agriculture and Fisheries Poland has consistently pointed out to the need for extending the scope of provisions of the Article 38 of the draft regulation on direct support. Poland considers that to the list of sectors should be added those supported currently under article 68 of the Council Regulation 73/2009. This list should include in particular sectors of special importance in regions economically and environmentally vulnerable, including labour-intensive type of production, such as tobacco, important for rural labour market and for implementation of one of the Europe 2020 goals.

Common Declaration and request of Romania and Latvia

One of the main objectives of the present CAP Reform was a system where direct payments are more equitably distributed, that should allow all Member states with direct payments per hectare below 90% of the European average to close one third of the gap between their current direct payments level and 90% of the EU average in the course of the next period and that all Member States should attain at least the level of EUR 196 per hectare by 2020, as agreed by the European Council on 8th February 2013.

Based on this general accepted principle of more equitable distribution of direct payments, Romania and Latvia support the reform and accept the compromise reached. Such a compromise should guarantee Romania and Latvia the amounts of the national envelopes for 2019 and 2020 to be consistent enough to allow a direct payment of at least EUR 196 per ha. However, the current draft regulation does not fully ensure the principle agreed by the European Council on 8th February 2013. As a result, ceilings of the direct payment envelopes for Romania and Latvia in calendar year 2019 and subsequent year are set below and foresee reductions for direct payments of over 4 mil EUR for Romania and almost 700 thousand EUR for Latvia.

Romania and Latvia have drawn the Commission attention and received a positive response regarding our request to revise the allocations upwards for the financial years 2019-2020 in order to ensure full transposition of the conclusions of the European Council on the of 8th February 2013. Annex II and III of the new Direct Payment Regulation should be amended respectively. This would require a rapid decision at the level of the next Council of Ministers.

We truly hope that this technical adjustment shall be taken into account in order to fully transpose and implement the decisions of the European Council concerning the ceilings of the direct payment envelopes for Romania and Latvia. Otherwise farmers in Romania and Latvia would be discriminated twice, once as their level of direct payments is still the lowest in the European Union, and secondly by not respecting the Council Conclusion on the Multiannual Financial Framework.

Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 OJ L 347, 20/12/2013, p. 671–854	PE-CONS 96/13	Qualified majority	All Member States in favour except: Against: DE Abstaining: UK
Joint statement from the European Parliament, the Council and the Commission on Article 43(3) of the Treaty on the Functioning of the European Union (TFEU) The outcome of negotiations as concerns recourse to Article 43(3) of the Treaty on the Functioning of the European Union forms part of the overall compromise on the current CAP reform and is without prejudice to each institution’s position on the scope of this provision and to any future developments on this question, in particular any new case law from the Court of Justice of the European Union.			
Statement by the Council on Article 43(3) of the Treaty on the Functioning of the European Union (TFEU) With respect to the outcome of CAP negotiations in the June 2013 trilogue, the Council confirms that its decision to have matters falling under Article 43(3) TFEU covered by the Single CMO Regulation was only meant, in the exceptional circumstances of that trilogue, to allow a compromise to take place. That will accordingly not affect the position that the Council will continue to take in the future in defence of the prerogatives which were conferred upon it by the Lisbon Treaty.			
Statements by the Commission on marketing standards (linked to Article 75(1)) The Commission is keenly aware of the sensitivity of extending marketing standards to sectors or products which currently are not subject to these rules under the sCMO Regulation. Marketing standards should only apply to sectors where there are clear expectations of the consumers and when there is a need to improve the economic conditions for the production and marketing of specific products as well as to their quality, or to take into account technical progress or need for product innovation. They should also avoid administrative burden, be simply understandable for the consumers and help producers to easily communicate the characteristics and attributes of their products. The Commission will take into account any duly justified request from Institutions or representative organisation, as well as the recommendations of International Bodies, but before using its power to include new products or sectors in paragraph 2 of Article 75 will be required to carefully assess the specificity of that sector and present a report to the European Parliament and the Council evaluating, in particular, the need of the consumer, the costs and administrative burdens for operators including the impact on the internal market and on international trade, as well as the benefits offered to producers and to the end consumer.			

Statements by the Commission on sugar

In order to aim for a balanced market and a fluid supply of sugar to the Union market during the remaining period of sugar quotas, the Commission will have regard to the interests of both Union sugar beet growers and raw cane refiners in applying the temporary market management mechanism laid down in Article 131 of the sCMO Regulation.

Statements by the Commission on the European Price Monitoring Tool

The Commission recognises the importance of collecting and disseminating available data on price developments in the different steps of the food chain. To this end, the Commission has developed a Food Prices Monitoring Tool for Food Products, which draws from the combined food related price index data collected by National Statistical Offices. This tool aims at bringing together and making available price development along the food chain, and allows comparison of price developments for relevant agricultural products, for food industries and the relevant consumer products. This tool is under constant improvement and will aim to expand the range of food chain products it covers and in general to meet farmers' and consumers' need for more transparency and food price building. The Commission shall report regularly to the European Parliament and to the Council on the activities of the European Price Monitoring Tool and the results of the latter's studies.

Statements by the Commission on the non-opinion clause

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(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.

Statement by the Council on Article 5(4), subparagraph 2, point b) of Regulation (EU) No 182/2011 on Committee Procedure

The Council, having regard to the Commission statement on the so called non-opinion clause, reiterates that Article 5(4), subparagraph 2, point b) of Regulation 182/2011 on Committee Procedure is not, and was not meant to be, an exception to a general rule.

It is up to the legislature to determine, in the basic act and in the light of the specific features of each case, whether or not to avail itself of the option made available by point (b) of the second subparagraph of Article 5(4), thus preventing the Commission from adopting a draft implementing act in the absence of an opinion from the committee. No legal considerations limit the use of this option. Unlike other provisions of the Regulation on Committee Procedure, Article 5(4) requires no specific justification for this choice.

Statements by Italy

Italy deems that the text stated in Article 113(e) par. 2 of Regulation on CMO allows that the consultation for the agreement between the parties could be concluded with representatives of pig producers also."

"Italy deems that the provisions set out in Article 45(1)(a) of the Single CMO Regulation do not exclude wine producers from the provisions set out in Regulation (EC) No 3/2008.

Statement by Greece on planting rights

Following the discussions in the Council on the EU vineyards plantation scheme, Greece considers that Member States may include into the annual planting authorisations according to Articles 62, 63 and 64, at regional level, vineyards already planted with double or triple purpose vine varieties which are not included, so far, in the production potential of vitivinicultural sector.

Statement by Poland on equal possibilities for hops sector support under common organization of markets in agricultural products

In the framework of discussion in the Council for Agriculture and Fisheries, Poland has pointed out to a necessity for equal conditions for supporting hops sector under measures provided for in the draft regulation on common organization of markets in agricultural products. Poland does not accept those provisions which can be applied only in one Member State, creating this way unequal conditions of competition. Poland considers that provided solution should enable to support under this provision Polish hops producers as well.

Statement by Germany

Germany welcomes in many respects the results obtained on the direction of the Common Agricultural Policy after 2013. The European Union is thus responding to the challenges to be faced by the European agricultural sector in the years to come.

Germany cannot, for the following reasons, support some of the proposed regulations on the future Common Market Organisation:

= Under the Treaty on the Functioning of the European Union (Art. 43 (3) TFEU), the Council, on a proposal from the European Commission, shall adopt measures on fixing prices, levies, aid and quantitative limitations. It is therefore exclusively the responsibility of the Council to lay down such rules.

= Germany considers a deviation from this clear contractual attribution of responsibilities between the EU institutions as not acceptable.

= For general reasons concerning Community law, too, we cannot endorse such a violation of primary law because that would set a precedent for deviations from divisions of power in other policy areas.

Germany therefore rejects the submitted Regulation on the future Common Market Organisation.

Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 OJ L 347, 20/12/2013, p. 487–548	PE-CONS 93/13	Qualified majority	All Member States in favour except: Abstaining: CZ
<p>Statement by Italy Italy notes with regret that the agreement established last June within the Council, during the process of negotiations with European Parliament on CAP reform, on increasing from 65% to 75% maximum support rate for insurance expenditure according Article 37, paragraph 5 of Rural Development Regulation, has not been taken on board. The proposal was aimed at harmonizing various percentages of aid intensities, currently not uniform, depending on the financial instruments that could be activated. It is therefore hoped that such issue could soon be addressed during next legal initiatives relating to the reform of the Common Agricultural Policy.</p>			
<p>Statement by Austria with regard to Article 32(4) Austria states that the specific constraints which will be applied for the delimitation of areas according to Article 32(4) of the EAFRD regulation will be defined by the Member States.</p>			
Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 OJ L 347, 20/12/2013, p. 549–607	PE-CONS 94/13	Qualified majority	All Member States in favour

Joint statement by the European Parliament and the Council on cross-compliance

The Council and the European Parliament invite the Commission to monitor the transposition and the implementation by the Member States of Directive 2000/60/EC of 23 October 2000 establishing a framework for Community action in the field of water policy and Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides and, where appropriate, to come forward, once these Directives have been implemented in all Member States and the obligations directly applicable to farmers have been identified, with a legislative proposal amending this regulation with a view to including the relevant parts of these Directives in the system of cross-compliance.

Statement by the Council on Article 5(4), subparagraph 2, point b) of Regulation (EU) No 182/2011 on Committee Procedure

The Council, having regard to the Commission statement on the so called non-opinion clause, reiterates that Article 5(4), subparagraph 2, point b) of Regulation 182/2011 on Committee Procedure is not, and was not meant to be, an exception to a general rule.

It is up to the legislature to determine, in the basic act and in the light of the specific features of each case, whether or not to avail itself of the option made available by point (b) of the second subparagraph of Article 5(4), thus preventing the Commission from adopting a draft implementing act in the absence of an opinion from the committee. No legal considerations limit the use of this option. Unlike other provisions of the Regulation on Committee Procedure, Article 5(4) requires no specific justification for this choice.

Statements by the Commission on the non-opinion clause

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(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.

Statements by the Commission in relation to late payments made by the paying agencies to beneficiaries (Article 40) The European Commission declares that when it adopts rules on the reduction of reimbursement to the paying agencies in case of payment made to the beneficiaries after the latest possible date laid down by Union legislation, the scope of the current provisions related to late payments for EAGF will be maintained.			
Statements by the Commission on the level of implementation (Article 118) The European Commission confirms that in accordance with Article 4(2) TEU, the Union respects Member States' constitutional structures and, therefore, Member States are responsible for deciding at which territorial level they wish to implement the common agricultural policy, subject to respecting Union law and ensuring its effectiveness. This principle is applicable to all four Regulations of the CAP reform.			
Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014 OJ L 347, 20/12/2013, p. 865–883	PE-CONS 103/13	Qualified majority	All Member States in favour
Statement by the Commission on rural development The Commission declares that it will cooperate constructively with the Member States in the preparation and approval of the new rural development programmes with a view to ensuring a smooth transition to the new programming period also for measures not covered by Article 1 of the Transitional Regulation. The Commission encourages Member States which will use the possibility under Article 1 of the Transitional Regulation to undertake new legal commitments for irrigation operations to do so in compliance with the conditions set out for such operations in Article 46(3) of the new Rural Development Regulation for the programming period 2014-2020.			

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products OJ L 346, 20/12/2013, p. 12–19	15173/13 + COR 1
Statements by the Commission The Commission considers that since the re-allocation of sugar quotas falls under (Article 138 of the sCMO Regulation, the adjustment of these quotas should do so as well. The Commission confirms that, in the context of the revision of the school fruit and school milk schemes, it intends to review the aid for the distribution of milk as well as the co-financing of the school fruit scheme costs, including in the smaller Aegean islands.	
2014/5/EU: Council Decision of 16 December 2013 on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles OJ L 4, 09/01/2014, p. 1–2	16647/13
Council Regulation (EU) No 11/2014 of 16 December 2013 concerning the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles OJ L 4, 09/01/2014, p. 38–39	16650/13

Council Decision on the signature, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Union of the Comoros setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force	16126/13
Council Regulation on the allocation of fishing opportunities under the Protocol agreed between the European Union and the Union of the Comoros setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force	16129/13
Recommendation for a Council Decision to authorise the opening of negotiations between the European Union and the Republic of Senegal for a new Fisheries Partnership Agreement and Protocol	17045/13
Council Regulation (EU) No 1389/2013 of 16 December 2013 amending Council Regulation (EU) No 1258/2012 on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force OJ L 349, 21/12/2013, p. 24–25	15853/13
2013/785/EU: Council Decision of 16 December 2013 on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco OJ L 349, 21/12/2013, p. 1–3	14165/13

Statement by Denmark

Denmark emphasizes the importance of EU's contribution towards resource conservation and environmental sustainability through fishing only on surplus resources and preventing the overfishing of stocks within the fisheries partnership agreements. Denmark recalls the negotiating directives set out in the Council decision of 14 February 2012 to grant the Commission a mandate to open negotiations for a new protocol to the Fisheries partnership Agreement with Morocco.

Denmark finds that it is not sufficiently documented in the text of the protocol that a sustainable management of fishing resources is ensured, especially that fishing only must take place on a surplus. Thus, a sustainable management seems to fully depend on the fisheries management in Morocco, regional management measures and the collaboration between the EU and Morocco.

Denmark also stresses that the Union must promote the respect of human rights and democratic principles when entering into bilateral agreements.

However, these aspects are not as clearly stated in the Morocco protocol as in other fisheries protocols within fisheries partnership agreements.

It is imperative that international law is respected, including that the fisheries resources benefit the local population, including West Sahara. In the opinion of Denmark the compliance with international law and the respect of human rights depend on the concrete implementation of the protocol by Moroccan authorities.

For these reasons, Denmark votes against the proposals for signature, conclusion of the new Protocol and allocation of fishing opportunities.

Statement by Germany, Austria and Ireland

Germany, Austria and Ireland are of the opinion that the proposals for the renewal of the Protocol to the Fisheries Partnership Agreement with the Kingdom of Morocco include elements that address concerns expressed previously.

Germany, Austria and Ireland attach fundamental importance to respect for democratic principles and human rights pursuant to Art. 2 of the Protocol. In principle, Germany, Austria and Ireland welcome the introduction of provisions to the Protocol on the planning and reporting duties of Morocco in respect of the regional distribution of funds, especially with regard to the expected economic and social benefits and the geographical distribution of these benefits.

Germany, Austria and Ireland ask the Commission to inform the Council comprehensively and regularly on the returns received by the West Saharan population as a result of the agreement. It must be ensured that the West Saharan Sahrawi population is also given an appropriate stake, and a stake that is in line with their interests, in the financial resources ensuing from the agreement.

The sustainable use of fish stocks is of the highest priority to Germany, Austria and Ireland. Germany, Austria and Ireland ask the Commission to ensure that, with regard to sustainable management, regular controls of stocks and fishing opportunities are carried out and the Council is informed of the results of these controls accordingly.

The signature of the Protocol is without prejudice to the EU's longstanding position in relation to the status of Western Sahara. Against this background and in view of the possibilities granted under Art. 8 of the Protocol, Germany, Austria and Ireland consider it acceptable to sign the Protocol.

Statement by Finland

With regard to the Proposal for a Council Decisions on the signing and conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties and the Council Regulation on allocation of the fishing opportunities, Finland cannot support the Council Decisions and the Regulation, and abstains.

In accordance with the principles of international law, including the right to self-determination, permanent sovereignty over natural resources and the protection of human rights and fundamental freedoms, Finland emphasizes the need to take into account the interests and opinion of the people in Western Sahara. The economic gains resulting from the implementation of the Protocol should benefit the people in Western Sahara region.

Finland finds it essential that the European Commission timely and comprehensively reports to the Member States of the European Union on the implementation of the Protocol. In this regard, specific attention should be given to projects selected in the Joint Committee and to the benefits created by these projects in the Western Sahara region.

Statement by the Netherlands

The Netherlands has assessed the new fisheries protocol between the EU and the Kingdom of Morocco on three criteria: compliance with international law with regard to the fishing opportunities under the protocol in the waters of the non self-governing territory of the Western Sahara, sustainability and economic profitability.

International Law

The protocol does not explicitly refer to the Western Sahara, but allows for its application to maritime areas adjacent to the Western Sahara that are not under the sovereignty or jurisdiction of Morocco. Morocco, as the administering power of the Western Sahara, may not disregard the interests and wishes of the people of the Western Sahara, when applying the protocol to such maritime areas. The Netherlands notes that the protocol does not contain any provisions ensuring that Moroccan authorities will use the amount paid for access to the resource in accordance with their obligations under international law owed to the people of the Western Sahara. The Netherlands considers that, under international law, a proportionate share of this amount should benefit the people of the Western Sahara. Compliance with international law will therefore depend on the implementation of the protocol by Moroccan authorities.

Sustainability

The Netherlands welcomes the flexibility with regard to the adjustment of fishing opportunities and the financial compensation. Article 3 of the document clearly establishes the role of the Council in this procedure. However, the Netherlands questions the current increase in fishing opportunities for the pelagic sector in light of the available scientific advice.

Economic Profitability

The Netherlands estimates that the category pelagic constitutes eighty per cent of the value of the protocol. In this regard the Netherlands is concerned that the adjustments of the technical conditions for the EU pelagic sector will hamper an optimal uptake of the fishing possibilities.

In general, the Netherlands is of the opinion that a fishery within the framework of a partnership agreement constitutes a better guarantee for sustainability than private agreements. Nevertheless, taking into account all of the above, the Netherlands will abstain from voting on both the Council decision on the signing and the conclusion of the protocol.

Statement by Sweden**Explanation of vote**

Sweden has been questioning whether the EU's fisheries partnership agreement with Morocco is compatible with international law for some time. Since Western Sahara is not part of Moroccan territory, international law requires that its fishery resources should be used for the benefit of the Sahrawi people in Western Sahara and in accordance with their interests and wishes.

Sweden notes the efforts made by the Commission and by Morocco to guarantee a better allocation of the revenue from the agreement within the region. Despite some progress in the right direction, Sweden's view is that the changes made are insufficient to ensure that the obligations of international law are fulfilled in relation to the Sahrawi people in Western Sahara.

This overall assessment is the reason why Sweden cannot support the protocol to the fisheries partnership agreement and will vote against all three proposals relating to the new protocol, i.e. the proposals on the signing and conclusion of the new protocol, and on the allocation of fishing opportunities.

Statement by the United Kingdom

The United Kingdom recognises progress on areas of concern since the 2011 negotiating mandate to extend the Fisheries Partnership Agreement with Morocco. This includes the agreement by the European Union and Moroccan authorities to a new requirement to report on the geographical impact of the protocol. While acknowledging that these are steps in the right direction, the United Kingdom still has concerns with this protocol regarding value for money and the sustainability of stocks to be fished.

Furthermore, the United Kingdom believes the protocol should also clarify Moroccan obligations, ensuring that the people of Western Sahara would benefit from this protocol appropriately. The United Kingdom is therefore abstaining on the decisions to sign and to conclude this Protocol as this does not fully satisfy these concerns.

<p>Statement by the Commission</p> <p>The Commission emphasises that the consent of the European Parliament will in any event be required for the conclusion of the new Fisheries Protocol with Morocco and that, for this reason, the precise material legal basis of Article 43(2) TFEU as it had proposed was most appropriate in conjunction with the procedural legal basis of Article 218(6)(a) and (7) of the TFEU.</p> <p>Yet, in order to facilitate a swift conclusion of the intended new Protocol in the now prevailing circumstances of urgency, the Commission would not oppose a Presidency compromise, by way of which the legal basis would be changed to "Article 43 TFEU in conjunction with Article 218(6)(a) and (7) TFEU" with the same consent procedure still to be applied. This shall not in any way constitute a precedent.</p>	
<p>Council Regulation (Euratom) No 1314/2013 of 16 December 2013 on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 Framework Programme for Research and Innovation</p> <p>OJ L 347, 20/12/2013, p. 948–964</p>	<p>16463/13 + COR 1</p>
<p>Statement by Luxembourg</p> <p>Luxembourg recognises the importance of the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 Framework Programme for Research and Innovation, as well as the need to put greater emphasis on nuclear safety, contributing to a shift in nuclear research. Thus Luxembourg welcomes the compromise text while, however, maintaining its critical attitude in respect of nuclear research in general.</p> <p>Luxembourg stresses, however, that in future, European funds for research and training should be geared more towards renewable energy. Since the Research and Training Programme of the European Atomic Energy Community (2014-2018) does not start such a shift towards renewable energy, Luxembourg cannot subscribe to it in its entirety and is, therefore, abstaining in the vote.</p>	

Statement by Germany

Germany agrees to the proposal in order to avoid blocking a decision on the Presidency proposal. The Presidency proposal does give consideration to additional needs in the budget, but Germany believes a different weighting of the priorities is appropriate in view of the measures adopted in 2011 following Fukushima. The current draft of the Regulation does not attach adequate priority to the research into nuclear safety and radiation protection which remains necessary in order to continuously improve safety and radiation protection.

Statement by the Commission

The Commission regrets that the budget distribution between the three components of the Euratom programme, as indicated in the Commission proposal of 30 November 2011, has not been retained by the Council.

In particular, the Commission regrets that the distribution in the text of the Council entails a lower share for the direct actions than the Commission proposal which was supported by the legislative resolution adopted by the EP on 19/11/2013.

Nuclear safety and security are important priorities of the European Union energy policy. Direct research contributes to the definition of commonly agreed safety and security solutions. The cost of maintaining the Euratom infrastructures that are enabling this research is increasing due to more stringent technical requirements defined by the national supervising authorities. Therefore, it is important to maintain an adequate financial framework for direct research.

2013/792/EU: Council Decision of 16 December 2013 on the launch of automated data exchange with regard to dactyloscopic data in Finland
OJ L 349, 21/12/2013, p. 103–103

17056/13

Council Implementing Regulation (EU) No 1371/2013 of 16 December 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia, whether declared as originating in India and Indonesia or not OJ L 346, 20/12/2013, p. 20–26	17074/13
Council Decision on the signing, on behalf of the European Union, of the Agreements in the form of an Exchange of Letters between the European Union and the Commonwealth of Australia, the Federative Republic of Brazil, Canada, the Hong Kong Special Administrative Region of the People's Republic of China, the Republic of India and Japan pursuant to Article XXI of the General Agreement on Trade in Services (GATS) 1994, relating to the modifications of the commitments in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union	14720/13
Council Conclusions on EU relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino	16075/13

3286th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 16 December 2013	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT/ STATEMENTS
European Union's position for the Association Council's eleventh meeting (Brussels, 16 December 2013)	17567/13
Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy OJ L 341, 18/12/2013, p. 56–67	16917/13
Council Decision authorising the High Representative to open negotiations on behalf of the European Union in order to amend the Agreement between Australia and the European Union on the security of classified information	16920/13
Council Conclusions on the Democratic Republic of Congo (DRC) and the Great Lakes Region	17251/13
Council Conclusions on Lebanon	17804/13
Council Conclusions on the Central African Republic	17835/13
Council Conclusions on the Middle East Peace Process	17817/13
Council Conclusions on Myanmar/Burma	17295/13

3287th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 17 December 2013**LEGISLATIVE ACTS**

ACT	DOCUMENT	VOTING RULE	VOTES
Council Directive 2013/61/EU of 17 December 2013 amending Directives 2006/112/EC and 2008/118/EC as regards the French outermost regions and Mayotte in particular OJ L 353, 28/12/2013, p. 5–6	16766/13	Unanimity	All Member States in favour
Council Directive 2013/62/EU of 17 December 2013 amending Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC, following the amendment of the status of Mayotte with regard to the European Union OJ L 353, 28/12/2013, p. 7–7	16663/13	Unanimity	All Member States in favour
Council Regulation (EU) No 1385/2013 of 17 December 2013 amending Council Regulations (EC) No 850/98 and (EC) No 1224/2009, and Regulations (EC) No 1069/2009, (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union OJ L 354, 28/12/2013, p. 86–89	16664/13	Unanimity	All Member States in favour

Council Directive 2013/64/EU of 17 December 2013 amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union OJ L 353, 28/12/2013, p. 8–12	16665/13	Unanimity	All Member States in favour
Council Decision No 1413/2013/EU of 17 December 2013 amending Decision 2002/546/EC as regards its period of application OJ L 353, 28/12/2013, p. 13–14	16835/13	Qualified majority	All Member States in favour
Council Regulation (EU) No 1412/2013 of 17 December 2013 opening and providing for the administration of autonomous Union tariff quotas for imports of certain fishery products into the Canary Islands from 2014 to 2020 OJ L 353, 28/12/2013, p. 1–4	16672/13	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT/ STATEMENTS	
2013/805/EU: Council Implementing Decision of 17 December 2013 authorising the Republic of Poland to introduce measures derogating from point (a) of Article 26(1) and Article 168 of Directive 2006/112/EC on the common system of value added tax OJ L 353, 28/12/2013, p. 51–52		17041/13	
Council Conclusions on Special Report No 5/2013: Are EU Cohesion Policy funds well spent on roads?		17691/13	

2013/811/EU: Council Decision of 17 December 2013 determining for the General Secretariat of the Council the appointing authority and the authority empowered to conclude contracts of employment and repealing Decision 2011/444/EU OJ L 355, 31/12/2013, p. 91–91	17690/13
Council Regulation (EU) No 1417/2013 of 17 December 2013 laying down the form of the laissez-passer issued by the European Union OJ L 353, 28/12/2013, p. 26–39	16225/13 + COR 1
Council Regulation (EU) No 1415/2013 of 17 December 2013 adjusting, from 1 July 2013 , the rate of contribution to the pension scheme of officials and other servants of the European Union OJ L 353, 28/12/2013, p. 23–23	16217/13
Statement by the Commission <p>In the light of the recent and future judgments in the cases on the 2011 and 2012 adjustments of salaries and pensions of EU staff and the case on the 2011 adjustment of the rate of contribution to the pension scheme of officials and other servants of the European Union, it may be necessary to take measures pursuant to Article 266 TFEU to implement these judgments. Adjustment of salaries or, for 2011, of the rate of contribution, may entail recalculation of the rate of contribution to the pension scheme of officials and other servants of the Union for 2012 and 2013. The Commission in such cases will do its utmost to ensure that the applied pension contribution rate maintains the pension scheme in actuarial balance. In particular, for this purpose the Commission will submit to the Council all proposals necessary to enable it to adjust the rates of contribution for the years 2012 and 2013 to the requisite level for respecting the actuarial balance.</p>	

Council Regulation (EU) No 1416/2013 of 17 December 2013 adjusting with effect from 1 July 2013 the correction coefficients applied to the remuneration and pensions of officials and other servants of the European Union OJ L 353, 28/12/2013, p. 24–25	16221/13
Statement by Denmark Denmark votes against the proposal. Denmark would note its opposition in principle to the method of adjusting the remuneration and pensions of EU officials, given the high level of salaries in the EU institutions.	
Council Regulation (EU) No 1414/2013 of 17 December 2013 laying down the weightings applicable from 1 July 2013 to the remuneration of officials, temporary staff and contract staff of the European Union serving in third countries OJ L 353, 28/12/2013, p. 15–22	16031/13
Council Decision authorising the opening of negotiations with Iceland on an agreement between the European Union and its Member States and Iceland concerning Iceland's participation in the joint fulfilment of the commitments of the European Union, its Member States and Iceland in the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change	17181/13 + ADD 1

Council Regulation (EU) No 1388/2013 of 17 December 2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 7/2010 OJ L 354, 28/12/2013, p. 319–325	16244/13 All Member States in favour
Council Regulation (EU) No 1387/2013 of 17 December 2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products and repealing Regulation (EU) No 1344/2011 OJ L 354, 28/12/2013, p. 201–318	16245/13 All Member States in favour
Statement by France France supports the adoption of the Council Regulation suspending autonomous Common Customs Tariff duties, applicable from 1 January 2014. The general objective of this type of measure is to help improve the competitive capacity of EU industry and to protect or create jobs. For certain sectors that are particularly exposed to the effects of the economic crisis, this measure is sometimes essential to maintain operations. This is the case for the French plywood sector, which until the end of 2013 benefited from the Generalised System of Preferences (GSP) applied to Gabon, exporter of okoumé wood. The 6 % increase in customs duties is likely to seriously compromise the economic balance of the companies concerned, which account for several thousand jobs. To enable these companies to continue production, France will submit a suspension request in the next Council Regulation applicable from 1 July 2014, with retroactive effect from 1 January 2014. The consultations conducted by France on this issue confirm that such a suspension is consistent with the interests of the Union and industry requirements, and that its inclusion in the draft Regulation would have no negative impact on other Member States.	
Council Conclusions on the EEAS Review	17973/13
Council Conclusions on enlargement and stabilisation and association process	17952/13

Written procedure completed on 26 November 2013	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT/ STATEMENTS
Council Decision 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic OJ L 352, 24/12/2013, p. 51–52	17830/13
