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European Union

Brussels, 13 June 2017
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9547/17

LIMITE

PV/CONS 29
EDUC 252
JEUN 72
CULT 73
AUDIO 74
SPORT 38

DRAFT MINUTES¹

Subject: **3541st** meeting of the Council of the European Union
(Education, Youth, Culture and Sport),
held in Brussels on 22 and 23 May 2017

¹ Information on Council legislative deliberations, on other cases of Council deliberations open to the public and on public debates may be found in [Addendum 1](#) to these minutes.

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1. **Adoption of the agenda**

9206/17 OJ CONS 28 EDUC 184 JEUN 66 CULT 62 AUDIO 67 SPORT 37

The Council adopted the above-mentioned agenda.

LEGISLATIVE DELIBERATIONS

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

2. **Approval of the list of "A" items**

9370/17 PTS A 38

The Council adopted the "A" item listed in 9370/17.

Details on the adoption of this item are set out in the Addendum.

NON-LEGISLATIVE ACTIVITIES

3. **Approval of the list of "A" items**

9371/17 PTS A 39

The Council adopted the "A" items listed in 9371/17.

The documents on item 1 should read as follows:

Item 1: 8975/1/17 REV 1 ENV 424
+ REV 1 ADD 1
8856/17 ENV 406
+ COR 1 (de)

A statement to these items is set out in the Annex.

YOUTH

4. **Draft Council conclusions on the role of youth work in supporting young people's development of essential life skills that facilitate their successful transition to adulthood, active citizenship and working life**

= Adoption

8033/17 JEUN 46 EDUC 140 SPORT 23 EMPL 190 SOC 250

The Council adopted the conclusions as contained in 9624/17 and agreed that they be published in the Official Journal. The Council also took note of the intervention by the HR delegation.

5. **Draft Council conclusions on strategic perspectives for European cooperation in the youth field post 2018**

= Adoption

8035/17 JEUN 48

The Council adopted the conclusions contained in 9030/17 and agreed that they be published in the Official Journal. The Council also took note of the intervention by the SE delegation.

6. **Draft Council Resolution on the Structured Dialogue and the future development of the dialogue with young people in the context of policies for European cooperation in the youth field post 2018**

= Adoption

8034/1/17 JEUN 47 EDUC 141 8 SOC 251 EMPL 191 REV 1

The Council adopted the resolution contained in 9632/17 and agreed that it will be published in the Official Journal. The Council also took note of the interventions by the BE and EE delegations.

7. **Building Europe's future - listening to and supporting young people**

= Policy debate

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

8036/17 JEUN 49

The Council held a policy debate on the above topic on the basis of a discussion paper prepared by the Presidency (8036/17).

Ministers inter alia highlighted the necessity to hear the voices of young people when future youth policies are prepared, and in particular stressed the importance of reaching out to vulnerable young people and those that are difficult to reach.

EDUCATION

LEGISLATIVE DELIBERATIONS

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

8. **Proposal for a Decision of the European Parliament and of the Council on a common framework for the provision of better services for skills and qualifications (Europass) and repealing Decision No 2241/2004/EC [First reading]**

Interinstitutional file: 2016/0304 (COD)

= Progress report

8867/17 EDUC 168 SOC 311 EMPL 234 MI 380 ECOFIN 332 DIGIT 120

JEUN 59 SPORT 31 CODEC 734

12947/16 EDUC 316 SOC 601 EMPL 402 MI 619 ECOFIN 874 DIGIT 110

JEUN 71 SPORT 58 CODEC 1390

The Council took note of the progress report as set out in 8867/17.

NON-LEGISLATIVE ACTIVITIES

9. **Proposal for a Council Recommendation on the European Qualifications Framework for lifelong learning and repealing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning**

= Adoption

8872/17 EDUC 169 SOC 313 EMPL 236 MI 381 ECOFIN 335

10209/16 EDUC 241 SOC 414 EMPL 275 MI 449 ECOFIN 609

+ REV 1 (sk)

+ REV 2 (it, nl)

+ ADD 1

+ REV 1 ADD 1 (sk)

+ REV 2 ADD 1 (it, nl)

The Council adopted the Recommendation as set out in 9620/17 and agreed that it be published in the Official Journal.

10. **Giving learners a voice: how to improve and modernise our systems to provide high quality education for all**

= Policy debate

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

8407/17 EDUC 151 JEUN 54 SOC 280 EMPL 208

The Council held a policy debate on the above topic on the basis of a discussion paper prepared by the Presidency (8407/17). An introduction to the debate was given by Professor John Portelli from the University of Toronto.

Ministers highlighted that education policy plays a key role in promoting inclusion and respect for diversity in the European Union and that ensuring inclusive high quality education should be seen in a life-long perspective covering all aspects of education.

11. **Any other business**

Education

a) **Erasmus+ bringing European people together for 30 years**

= Information from the Commission

9053/17 EDUC 176 JEUN 62 SPORT 36 SOC 327 RELEX 389

The Council took note of the information provided by the Commission.

b) **Education Summit (Brussels, January 2018)**

= Information from the Commission

9100/17 EDUC 180 JEUN 64 SOC 333 EMPL 248

The Council took note of the information provided by the Commission.

c) **Launch of a public consultation to feed the Commission proposal for a Council Recommendation on promoting social inclusion and shared values through formal and non-formal learning**

= Information from the Commission

9052/17 EDUC 175 SOC 326 JEUN 61

The Council took note of the information provided by the Commission.

d) **UNESCO 2nd World Open Educational Resources (OER) Congress (Ljubljana, 18 – 20 September 2017)**

= Information from the Slovenian delegation

9042/17 EDUC 174 SOC 324

The Council took note of the information provided by the SI delegation.

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Youth and Education

e) **Work programme of the incoming Presidency**

= Information from the Estonian delegation

The Council took note of the information provided by the EE delegation on the work programme in each of the sectors during its forthcoming presidency.

MEETING ON TUESDAY 23 MAY 2017

AUDIOVISUAL/CULTURE

LEGISLATIVE DELIBERATIONS

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

12. **Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities [First reading]**

Interinstitutional file: 2016/0151 (COD)

= General approach

8939/17 AUDIO 61 DIGIT 123 CONSOM 182 TELECOM 108 CODEC 745

9479/16 AUDIO 68 DIGIT 55 MI 382 CONSOM 121 IA 28 CODEC 744

TELECOM 98

+ COR 1

The Council reached a general approach on the text which can be found in 9691/17. The CZ, DK, FI, IE, LU, NL, SE and UK delegations did not support the text, whilst the HU delegation abstained. The Council took note of the statements made by the AT, DE, DK, FI, LU, NL, PL and UK delegations, as well as of the joint statement made by the CZ, IE and SE delegations (see annex).

NON-LEGISLATIVE ACTIVITIES

13. **Draft Council conclusions on an EU strategic approach to international cultural relations**

= Adoption

7935/17 CULT 34 RELEX 290 DEVGEN 54 COMPET 236 ENFOCUSTOM 92

EDUC 131 COHOM 46

The Council adopted the conclusions as set out in 9635/17 and agreed that they be published in the Official Journal.

NON-LEGISLATIVE ACTIVITIES

14. Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on sport as a platform for social inclusion through volunteering

= Adoption

8937/17 SPORT 32 EDUC 171 JEUN 60 SOC 316 EMPL 238 CULT 54

The Council adopted the conclusions contained in 9638/17 and agreed that they be published in the Official Journal.

15. Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the European Union Work Plan for Sport (1 July 2017 – 31 December 2020)

= Adoption

8938/17 SPORT 33

The Council adopted the resolution contained in 9639/17 and agreed that it be published in the Official Journal. The Council also took note of the statement of the DK delegation (see annex).

16. Sports media and its role in strengthening social inclusion

= Policy debate

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

8668/1/17 SPORT 29 REV 1

The Council held a policy debate on the above topic on the basis of a discussion paper prepared by the Presidency (8668/1/17). An introduction to the debate was given by Mr William Bush, Executive Director of the English Premier League. Mr Bush stressed that without revenues obtained from media rights, the Premier League cannot invest in communities. He also explained that football is one of the key pathways to social inclusion for various groups in society.

Ministers highlighted that the popularity of sport can be used to send positive messages to communities. Sport media and revenues obtained from media rights can play a significant role in increasing social inclusion, cohesion, diversity and equality in society.

17. Any other business

Audiovisual/Culture

a) **An effective and balanced enforcement system against commercial scale infringements of copyright in the audiovisual and cultural sectors in the context of the mid-term review of the Digital Single Market**

= Information from the Commission, requested by the Spanish delegation
9029/17 AUDIO 64 CULT 57 PI 55 DIGIT 128

The Council took note of the information provided by the Commission on the request of the ES delegation, which was supported by the PT and FR delegations.

b) **European Capitals of Culture for 2021**

= Information from the Greek and Romanian delegations
9007/17 CULT 56

The Council took note of the information provided by the EL and RO delegations.

c) **Protection of cultural assets, combating trafficking in cultural assets, EU import regime**

= Information from the German delegation
9176/17 CULT 61 UD 124 ENFOPOL 236 ENFOCUSTOM 123

The Council took note of the information provided by the DE delegation. The AT, FR, PT and UK delegations also intervened, followed by the Commission.

d) **Mobility in culture**

= Information from the Italian delegation
9262/17 CULT 64 EDUC 213 JEUN 67

The Council took note of the information provided by the IT delegation, supported by the DE, FR and ES delegations, as well as the intervention of the Commission.

Sport

e) **World Anti-Doping Agency (WADA) meetings (Montreal, 17 – 18 May 2017)**

= Information from the EU Member States representatives (BE, UK, MT) in
WADA

The Council took note of the information provided by the EU Member States representatives (BE, MT, UK) in WADA. The Council also noted interventions from the DK and PL delegations.

f) **Bid by Paris to host the 2024 Summer Olympics and Paralympics**

= Information from the French delegation
8999/17 SPORT 35
+ COR 1

The Council took note of the information provided by the FR delegation.

g) **Rubber granulates on artificial sport pitches**

= Information from the Belgian delegation
8987/17 SPORT 34 SAN 186

The Council took note of the information provided by the BE delegation.

h) **Erasmus+ bringing European people together for 30 years**

= Information from the Commission
9053/17 EDUC 176 JEUN 62 SPORT 36 SOC 327 RELEX 389

The Council took note of the information provided by the Commission.

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Audiovisual/Culture and Sport

i) **Work programme of the incoming Presidency**

= Information from the Estonian delegation

The Council took note of the information provided by the EE delegation on the work programme in each of the sectors during its forthcoming presidency.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "B" item 12: **Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities [First reading]**
Interinstitutional file: 2016/0151 (COD)
= **General approach**

STATEMENT BY AUSTRIA

"Right at the beginning of the Maltese Presidency's text proposal, it is explicitly and correctly stated that the 'recitals will be dealt with at a later stage'. Given the central importance of all recitals for the interpretation of the legal text Austria may emphasize:

1. For the assessment whether the providing of user-generated videos and programs is a '*significant functionality*' recital 3b has to be understood as putting a focus on a *qualitative* assessment about how important audiovisual content on a social network is. In this respect it can also be an indicator of significance whether the service uses algorithms to decide which audiovisual content is run and how prominently it is displayed. The wording '*constitutes a minor part*' in recital 3b must therefore not be understood as just requiring a mere quantitative analysis of the manifold content. A social network therefore does certainly not automatically fall out of the scope of the directive if in a comparison of the entirety of its content the share of audiovisual content is lower than the share of text and images.
2. Austria assumes that the work on the recitals, as announced by the Presidency text, will give an opportunity to dissolve the contradiction between the legal text in Article 30a para 3 point e and the wording of recital 37. ERGA's task as defined in Article 30a para 3 (especially point e) is to provide 'technical expertise' and opinions 'on the technical and factual aspects' but not to issue legal statements."

JOINT STATEMENT BY THE CZECH REPUBLIC, IRELAND AND SWEDEN

"The Czech Republic, Ireland and Sweden cannot support the General Approach reached on the compromise text of the above-mentioned Directive as adopted at the EYCS Council on May 23, 2017. In particular, we cannot support the potentially wide reaching extension of the scope of the Directive.

The undersigned countries made significant concessions across a range of issues which are of key concern to us, such as the increase of quotas to 30% for on-demand services, with a view of reaching a compromise at the meeting, however, the final text does not enable us to add our voice to the General Approach.

We fully support the further development of the Digital Single Market and we therefore encourage the Presidency, all Member States and the European Commission to ensure that the primary outcome of the trilogue negotiations is that the provisions in relation to the definitions are legally sound and clear in order to avoid stifling freedom of expression and suppressing innovation in this key area."

STATEMENT BY DENMARK

"Denmark cannot support a proposal to introduce quotas for European content in on-demand-services.

Denmark believes that Europe will continue to produce European content at such a high quality that it will remain competitive in a global context. European consumers will choose European content because of its high quality. Quotas are not the right mechanism to ensure demand for quality products.

Denmark fully supports the promotion of the Digital Single Market. Denmark also supports the aim of the proposal to modernize the AMVS Directive to the benefit of the media sector and the consumers."

STATEMENT BY FINLAND

"Finland fully supports the promotion of the Digital Single Market which is an essential element of the competitiveness of the EU. Finland also supports the overall objectives of the Directive to improve the protection of consumers and minors, guarantee a level playing field for all, ensure the integrity of the internal market and enhance legal certainty and simplify legislation.

For Finland, the issue of the scope of the Directive is of utmost importance. The media services provided in the internet, some of which are just emerging, should not be unnecessarily burdened by detailed regulation. It is crucial, that all new regulation concerning video-sharing platforms shall be carried out deliberately and with careful assessment of the possible effects it will have on the Digital Single Market and on the freedom of speech of the EU citizens. Decision taken today on the scope of the directive lacks the necessary impact assessment that is precondition for better regulation."

STATEMENT BY GERMANY

"We are grateful that the quantitative approach has been included in Recital 3b. However, the amendment is not yet worded in an unequivocal manner and should be improved in the trilogue. It is important to have a clearly defined scope of application.

We had filed a request to insert, in Recital 3b, second sentence, the phrase "or minority" after "not merely ancillary". The aim is to lay down a clearly defined scope of application by defining a ratio x or a minority (less than 50 per cent). The amendment that has been made ("or constitutes a minor part of") continues to harbour the question of when the requirements associated with a minor part are met.

The trilogue negotiations should be used to improve on this."

STATEMENT BY LUXEMBOURG

"Luxembourg cannot support the general approach as adopted.

If Luxembourg agrees to the revision of the AVMS Directive, Luxembourg believes that the principle of the country of origin is a corner stone of the directive and Article 4 as amended could undermine its aim. Legal certainty is of utmost importance and will not be guaranteed under these circumstances.

Furthermore, Luxembourg regrets the introduction of quotas on European content in on-demand-services as well as the possibility to introduce levies. In addition, Luxembourg cannot support the wide reaching extension of the scope as proposed in the general approach. Because of its support to the Digital Single Market, Luxembourg believes that these proposed changes could potentially increase the fragmentation of the EU market."

STATEMENT BY POLAND

"The aim of the Audiovisual Media Services Directive is to provide for a framework ensuring the freedom to provide audiovisual media services across Europe, thus safeguarding fundamental rights, including the freedom of speech. However, the aim of this Directive is also to ensure a delicate balance between the commercial interests of audiovisual media service providers and the safeguard of the interests of European viewers and consumers, as well as respecting the principle of subsidiarity and cultural diversity. This is why the Directive has provided for a minimum harmonization and has allowed Member States to conduct their audiovisual policies, in full respect of the subsidiarity principle, especially as regards the safeguarding of the general public interest.

However, in many Member States this balance cannot be achieved in practice. While the freedom to provide audiovisual media services across borders, on the basis of the country of origin principle, is respected and ensured, the safeguarding of the general public interest, of the interests of consumers and of a level playing field is not always possible.

Poland, together with other Member States, was advocating for the introduction of changes to the Directive that would ensure a better balance between the country of origin principle and the need to safeguard the general public interest.

Poland has expressed its support to the text as amended during the EYCS Council on 23 May, especially as regards the changes introduced in Article 4. However, our final support to the text, as it will be negotiated during the trilogue, will depend on the introduction of a provision in the operative part or in the preamble that would address more precisely what the "set of corroborating facts" can consist of. In our belief, such provision could be drawn on the basis of recital 42 of the current Directive."

STATEMENT BY THE NETHERLANDS

"The Netherlands attaches great value to the digital single market and the promotion and distribution of European audiovisual works. It is therefore with regret that The Netherlands is not able to support the General Approach.

One of the corner stones of the Directive is the Country of Origin principle. This principle is considerably weakened by making cross border levies possible and by making it easier to derogate. Furthermore, the lack of an impact analysis for the extension of the scope with regard to video sharing platforms gives reasons for serious concerns on potential effects and impact on legal certainty, fundamental rights, regulatory authorities and the industry. Lastly, we are unsatisfied by the increase of the quota since there is no evidence that this will effectively promote European works, we regret that no alternatives were discussed.

We therefore appeal to the Presidency, the European Parliament, all Member States and the Commission to acknowledge these concerns in the coming trilogue negotiations."

STATEMENT BY THE UNITED KINGDOM

"The UK greatly values the Digital Single Market. It is very important that the Directive is future-proof and fit for the 21st Century, such as by safeguarding minors and protecting society.

We are concerned about the weakening of the country of origin principle, the lack of evidence or impact assessment for the extension of levies to linear television, and the widening in scope of the general approach.

The lack of clarity surrounding the extension of scope to video-sharing platforms, and the possibility of leaving essential elements of the Directive to guidelines, undermines legal certainty.

We therefore encourage the Presidency, all Member States, and the Commission to consider the objective of the revision of the Audiovisual Media Services Directive in coming trilogue negotiations."

Ad "B" item 15: **Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the European Union Work Plan for Sport (1 July 2017 – 31 December 2020)
= **Adoption****

STATEMENT BY DENMARK

"Denmark takes note of the draft resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council, on the European Union Work Plan for Sport (1 July 2017 – 31 December 2020) which among others outlines the priority themes, key topics and outputs for the Council in the duration of the Work Plan.

Denmark recalls:

- that match-fixing is currently one of the greatest threats to the integrity of sport, in which criminals jeopardize the well-being of both individual athletes, sport teams and the sports movement at large,
- that match-fixing is transnational in nature, and that the issue therefore is relevant to address at EU, European and international levels, and
- that the only international legal framework addressing the threat from match-fixing currently is the Council of Europe Convention on the Manipulation of Sports Competitions.

Denmark thus encourages relevant EU-institutions and Member States to address obstacles preventing EU Member States from ratifying the Council of Europe Convention on the Manipulation of Sports Competitions with the aim of a rapid entry into force of the convention with participation of Denmark and other interested EU Member States."

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Ad "A" item 1: Draft Council Decision authorising the Commission to submit, on behalf of the Union, a proposal for an amendment of the Appendices to the Convention on the conservation of migratory species of wild animals with a view to the twelfth meeting of the Conference of the Parties
= Adoption

STATEMENT BY GERMANY, SLOVAKIA AND SWEDEN

"This Decision authorizes the Commission to submit the proposal to the Secretariat of the Convention on the conservation of migratory species of wild animals (CMS) on behalf of the Union. As a Decision of the Council, it does not deal with the competences of Member States involved in the listing proposal. This does not change the fact that the matter at hand is a matter of shared environmental competence under Article 4 (2) e) of the Treaty on the Functioning of the EU (TFEU). We thus accept the Decision with the understanding that the proposals will be dealt with in the same manner as the proposals of the EU and its 28 Member States for the last 11th Conference of the Parties of CMS. In particular, the listing proposal at the 11th COP for listing *Coracias garrulus*, a bird listed in Annex I of the Birds Directive (2009/147/EC), on the Appendix I of CMS was proposed by the European Union and its 28 Member States."
