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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTES FEBRUARY 2014

This document lists the acts adopted by the Council in February 2014.^{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.

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

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.

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3291st meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 10 February 2014

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Conclusions on EU priorities at the UN Human Rights Fora	6019/14
Council Decision authorising the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations, on behalf of the European Union, on the provisions that fall within the Union's competence of a Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part	17116/13
Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the Commission to open negotiations, on behalf of the Member States, on the provisions that fall within the competence of the Member States of a Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part	17119/13
Council Regulation (EU) No 124/2014 of 10 February 2014 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 40, 11/02/2014, p. 8–8	5717/14
Council Decision 2014/74/CFSP of 10 February 2014 amending Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 40, 11/02/2014, p. 63–63	17706/14
Council Decision 2014/72/CFSP of 10 February 2014 updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2013/395/CFSP OJ L 40, 11/02/2014, p. 56–58	17388/13
Council Implementing Regulation (EU) No 125/2014 of 10 February 2014 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 714/2013 OJ L 40, 11/02/2014, p. 9–11	17389/14

Council Decision authorising the opening of negotiations with the Central African Republic, for an Agreement on the status of the European Union Military Mission in the Central African Republic (EUFOR RCA)	5596/14
Council Decision 2014/73/CFSP of 10 February 2014 on a European Union military operation in the Central African Republic (EUFOR RCA) OJ L 40, 11/02/2014, p. 59–62	5614/14 + COR 1
Council Decision authorising the opening of negotiations for the participation agreement between the European Union and the Swiss Confederation on its participation in the European Union military mission to contribute to the training of the Malian armed forces in Mali (EUTM Mali)	16910/13
Council Decision 2014/75/CFSP of 10 February 2014 on the European Union Institute for Security Studies OJ L 41, 12/02/2014, p. 13–17	13733/13
Council Conclusions on Ukraine	6303/14
Council Conclusions on Iraq	6288/14
Council Conclusions on Egypt	6018/14
Council Conclusions on Tunisia	5440/14
Council Conclusions on Yemen	6287/14
Council Conclusions on the Central African Republic	6141/14

3292nd meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 11 February 2014

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC OJ L 84, 20/03/2014, p. 6–13	PE-CONS 39/13	Qualified majority	All member states in favour, except: Against: UK Abstention: SE
Statement by the Commission on Article 13 Without prejudice to the annual budgetary procedure, it is the Commission's intention to present in the context of a structured dialogue with the European Parliament an annual report on the implementation of the Regulation, including the budget breakdown set out in the Annex, starting from January 2015 and the work programme to the responsible Committee in the European Parliament in the context of the PIF report.			
Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC OJ L 84, 20/03/2014, p. 42–56	PE-CONS 107/13	Qualified majority	All member states in favour

<p>Regulation (EU) No 253/2014 of the European Parliament and of the Council of 26 February 2014 amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles</p> <p>OJ L 84, 20/03/2014, p. 38–41</p>	<p>PE-CONS 106/13</p>	<p>Qualified majority</p>	<p>All member states in favour</p>
<p>Statements by the Commission on 2025 target</p> <p>In carrying out its impact assessment of a 2025 target the Commission will consider the appropriateness of a range of ambition levels/rates of reduction, coherent with the long term climate goals of the EU and the necessary emission reduction trajectory. This assessment will cover the range of ambition sought by the European Parliament for a 2025 target in the range of 105 g to 120 g CO₂ /km, equivalent to 3-4 % reduction per year in relation to the average 2012 emissions from new light commercial vehicles.</p> <p>The impact assessment will also need to consider a wide range of issues among which will be long term climate policy goals, cost-effectiveness, competitiveness, technology availability, social equity, neutrality with respect to competition. Any conclusion reached in the impact assessment on the appropriate level of ambition for a 2025 target would need to balance effects in the range of different areas assessed.</p>			
<p>Statements by the Commission on WLTP</p> <p>The Commission strongly supports the ongoing work in the framework of the UNECE, with the aim of a target date for the WLTP to be operational for new vehicle types by 1 January 2017. The work at UNECE is well underway and subsequently the Commission would aim to implement the new test cycle and test procedures into EU law in 2014.</p>			
<p>Statements by the Commission on the procedure of adoption of implementing acts</p> <p>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.</p>			

<p>Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts OJ L 94, 28/03/2014, p. 1–64</p>	<p>PE-CONS 73/13</p>	<p>Qualified majority</p>	<p>All member states in favour</p>
<p>Statement by the Commission on Article 18(2) of the Directive on public procurement, on Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and on Article 30(3) of the Directive on the award of concession contracts</p> <p>Article 18(2) of the Directive on public procurement, Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and Article 30(3) of the Directive on the award of concession contacts are enshrined in the existing applicable Union legislation. They have to be applied in compliance with Union law and in the light of its basic principles, notably, the principles of equal treatment and non-discrimination of economic operators, including economic operators from other Member States.</p> <p>The Commission will closely monitor the application of these provisions by Member States and contracting authorities/entities.</p>			
<p>Statement by the Commission on Article 18 of the Concessions Directive</p> <p>1. Pursuant to Article 18 and recital 52 of this Directive, for concessions lasting more than 5 years, the maximum duration of the concession shall not exceed the time that a concessionaire could reasonably be expected to take to recoup the investments made for operating the works or services together with a return on invested capital taking into account the investments required to achieve the specific contractual objectives.</p> <p>2. To ensure the uniform enforcement of this Directive, the Commission considers that national execution measures of Article 18, as interpreted by Recital 52, shall provide that the duration of the concession shall be estimated including initial and further investments deemed necessary for the operating of the concession, in particular expenditure on infrastructure, copyrights, patents, equipment, logistics, hiring, training of personnel and initial expenses.</p>			
<p>Statement by Austria</p> <p>This package of directives revises and updates the entire legal framework in respect of public procurement. Given the central role played by public procurement in the European Union's overall economic performance, the legal and linguistic quality and comprehensibility of the new legal framework is of great importance.</p> <p>However, Austria would point out that the deadlines for producing the different language versions of the three procurement directives were so tight that it was impossible to ensure a thoroughly accurate and high-quality translation, at least where the German-language version was concerned. Austria regrets the fact that there was such unreasonable time pressure, particularly since no compelling reasons for such great urgency were apparent, and since the ambiguities which thus arose when producing the different language versions could jeopardise the objective of simplifying the legal framework for contractors and economic operators.</p>			

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC OJ L 94, 28/03/2014, p. 65–242	PE-CONS 74/13	Qualified majority	All member states in favour
<p>Statement by the Commission on Article 18(2) of the Directive on public procurement, on Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and on Article 30(3) of the Directive on the award of concession contracts</p> <p>Article 18(2) of the Directive on public procurement, Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and Article 30(3) of the Directive on the award of concession contacts are enshrined in the existing applicable Union legislation. They have to be applied in compliance with Union law and in the light of its basic principles, notably, the principles of equal treatment and non-discrimination of economic operators, including economic operators from other Member States.</p> <p>The Commission will closely monitor the application of these provisions by Member States and contracting authorities/entities.</p>			
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<p>Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC OJ L 94, 28/03/2014, p. 243–374</p>	<p>PE-CONS 75/13</p>	<p>Qualified majority</p>	<p>All member states in favour</p>
<p>Statement by the Commission on Article 18(2) of the Directive on public procurement, on Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and on Article 30(3) of the Directive on the award of concession contracts</p> <p>Article 18(2) of the Directive on public procurement, Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and Article 30(3) of the Directive on the award of concession contacts are enshrined in the existing applicable Union legislation. They have to be applied in compliance with Union law and in the light of its basic principles, notably, the principles of equal treatment and non-discrimination of economic operators, including economic operators from other Member States.</p> <p>The Commission will closely monitor the application of these provisions by Member States and contracting authorities/entities.</p>			
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NON-LEGISLATIVE ACTS	
ACT	DOCUMENT/ STATEMENTS
2014/107/EU: Council Decision of 11 February 2014 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation OJ L 59, 28/02/2014, p. 4–4	15593/13
2014/185/EU: Council Decision of 11 February 2014 on the signing, on behalf of the Union, of the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office OJ L 102, 05/04/2014, p. 1–2	5629/14 REV 1
2014/186/EU: Council Decision of 11 February 2014 on the signing, on behalf of the Union, of the Arrangement between the European Union and the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office OJ L 102, 05/04/2014, p. 3–4	5630/14 REV 1
2014/194/EU: Council Decision of 11 February 2014 on the signing, on behalf of the Union, of the Arrangement between the European Union and the Republic of Iceland on the modalities of its participation in the European Asylum Support Office OJ L 106, 09/04/2014, p. 2–3	5631/14 REV 1
2014/204/EU: Council Decision of 11 February 2014 on the signing, on behalf of the Union, and provisional application of the Arrangement between the European Union and the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office OJ L 109, 12/04/2014, p. 1–2 (5632/14 REV 1
Council Implementing Regulation (EU) No 135/2014 of 11 February 2014 repealing the anti-dumping duty on imports of dicyandiamide 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 43, 13/02/2014, p. 1–11	5274/14 REV 1

<p>2014/122/EU: Council Decision of 11 February 2014 on the signing, on behalf of the European Union and its Member States, of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party, following its accession to the European Union</p> <p>OJ L 69, 8.3.2014, p. 2–2</p>	14381/13
<p>2014/164/EU: Council Decision of 11 February 2014 on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime</p> <p>OJ L 89, 25/03/2014, p. 7–9</p>	12324/13
<p>Statement by the United Kingdom</p> <p>The Council is being asked to adopt a Proposal for a Council Decision, with Articles 114, 207 and 218(6)(a) of the TFEU as its legal base, on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (“the Firearms Protocol”).</p> <p>The United Kingdom believes that Articles 83 and 87 of the TFEU should have been cited as legal bases to reflect the subject matter of Articles 9 and 11 respectively of the Firearms Protocol. Further, the UK considers that the Council Decision should have been split into two, to cover both the non-Title V, and the Title V, aspects of the Firearms Protocol. As the United Kingdom can accept the policy objectives of Articles 9 and 11 of the Firearms Protocol, it has notified its wish to take part in the adoption and application of this Decision, in accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and to the Treaty on the functioning of the European Union.</p>	

3293rd meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 17 February 2014

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 252/2014 of the European Parliament and of the Council of 26 February 2014 amending Council Regulation (EC) No 774/94, as regards the implementing and delegated powers to be conferred on the Commission OJ L 84, 20/03/2014, p. 35–37	PE-CONS 75/13	Qualified majority	All member states in favour
Commission Statement on codification The adoption of this Regulation will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once the Regulation is adopted, and at the latest by 30 September 2014.			
Commission Statement on delegated acts In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.			
Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 OJ L 84, 20/03/2014, p. 14–34	PE-CONS 91/13 REV 1	Qualified majority	All member states in favour, except: Against: FR
Regulation (EU) No 255/2014 of the European Parliament and of the Council of 26 February 2014 amending Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey, as regards the delegated and implementing powers to be conferred on the Commission OJ L 84, 20/03/2014, p. 57–60	PE-CONS 112/13	Qualified majority	All member states in favour

Commission Statement on codification

The adoption of this Regulation will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once the Regulation is adopted, and at the latest by 30 September 2014.

Commission Statement on delegated acts

In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers OJ L 94, 28/03/2014, p. 375–390	PE-CONS 113/13	Qualified majority	All member states in favour, except: Against: CZ, NL, PL Abstentions: BG, AT
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Statement by the Czech Republic and Poland

The Czech Republic and Poland are of the view that the Proposal of a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment is not in conformity with the principle of subsidiarity and proportionality set in Art. 5 of TEU. The Czech Republic and Poland believe that criteria for admission, access to labour market and workers' rights of seasonal workers can be sufficiently regulated at the national level. Seasonal workers accepted in one Member State do not influence labour market in other Member States, since on the basis of this directive they do not have the right to intra-EU mobility. Therefore, legislation at the EU level is not necessary. In contrast, the long and complicated procedure set up in this directive may hinder the flow of seasonal workers and result in shortages of labour force, in particular in Member States that rely on third-country seasonal workers, especially in the agricultural sector.

Regarding the scope of this Directive covering also stays not exceeding 90 days, the Czech Republic and Poland are concerned about the coherence and compactness of the Schengen acquis. As the Directive lays down conditions for stays not exceeding 90 days, it will interfere with relevant provisions of the Schengen acquis (Visa Code and Convention Implementing the Schengen Agreement). In particular, obligatory extension of a short stay by means of a long-term visa on the territory of a Member State is of special concern. Bearing in mind that long-term visas are in principle to be issued for stays exceeding 90 days and generally outside the territory of the Member States, such measure will infringe the cohesion of the visa policy and may raise risk of abuse.

The Czech Republic and Poland have serious doubts about Art. 79 TFEU as an appropriate legal basis for this Directive. In their opinion it does not cover the common policy on visas and other short-stay residence permits.

Statement by the Republic of Bulgaria

The Republic of Bulgaria has consistently supported, in principle, the Proposal for a Directive, but at the same time maintained its reservation on Art. 23(1)(e) and (2)(i) since we consider that the text is not sufficiently in line with the legal basis from the Treaty on the Functioning of the European Union (TFEU) – Art. 79 only allows fair but not equal treatment of the third country nationals legally residing in the Member States. Having in mind the above, the regulated access of third country nationals to social security with absolutely equalized rights with those of the EU citizens does not stem from the provisions of the TFEU and in particular the legal basis of the Proposal – Art. 79 TFEU and contradicts the EU citizenship statute and in particular the rights in the social field to which it is linked.

As a consequence from the above there is a contradiction with the other provisions of TFEU in particular in the social security area – e.g. the proposed text will impose on Bulgaria significant changes in healthcare system structure and funding (insurance and budgetary funding) and some of the benefits under the Art. 3 of the Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (with regard to Art. 23(1)(d) from the proposed Directive). In Bulgaria the access to healthcare system, family benefits and disability benefits depends on the requirement for permanent residence in the country, which we have the right to maintain for third country nationals. Suchlike change that we will face in the process of transposing the directive, in our opinion contradicts the clarity of division of competences between the EU and the Member States, as well as the Subsidiarity principle according to the Lisbon Treaty (argument from Art. 79 and Art. 153(4), first indent, in relation to Art. 153(1)(c) and (g) TFEU).

As an additional motivation we should also point out the current debates initiated by some Member States that question the principle of Equal Treatment of EU citizens – in infringement of Art. 18 of TFEU which prevents from discrimination on the basis of citizenship – especially after the expiration of all possible restrictions on the free movement of Bulgarian (and Romanian) workers on the territory of the EU.

Under the conditions of uncertainty for our own citizens exercising their right of free movement in the EU, and taking into consideration the above-mentioned motivation, the Republic of Bulgaria is not in a position to plead for the provision of more rights to third country nationals, especially in light of the temporary basis of their employment and residence on the territory of the EU.

Position (EU) No 2/2014 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights OJ C 77E , 15/03/2014, p. 1–9	6105/14 + ADD 1	Qualified majority	All member states in favour, except: Abstention: MT
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Statement by Germany

Germany agrees to the Directive. However, the new rule that has been included in Article 5(3) in the framework of the trilogue requiring the employees' agreement without exception to the provision of occupational pension rights is inappropriate. In the case of very small-scale occupational pension rights, this rule leads to a disproportionately high bureaucratic burden that is not justified from either the employer's or the employee's perspective.

Statement by Malta

Malta fully recognises and supports the objective of the Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the vesting and preservation of supplementary pension rights. It also welcomes the fact that the scope of the compromise text reflects the remit of Article 46 TFEU and thus provides that the Directive shall apply to outgoing workers who move between Member States and will not apply to workers moving within a single Member State.

Malta, however, regrets the fact that the final amendments made to the definition of 'outgoing worker' introduced a high degree of legal uncertainty which may lead to practical difficulties in implementing the restricted scope of the Directive without having to extend the same rules applicable pursuant to the Directive to scheme members who change employment within a single Member State. Were this to happen, Malta considers that this would be tantamount to the Directive having indirectly harmonising effects which go beyond the intentions of the legislator and the legal remit of the agreed legal base. Hence, Malta does not consider itself bound to reproduce this effect.

Malta considers it very important that in legislating it is ensured that the scope of a Directive is practically implementable. In particular, in the sensitive field of pensions policy, it is very important that EU legislation is legally clear and certain and that no attempts are made to reach harmonising effects without the necessary legal base to that effect.

Malta therefore abstains in the vote taken on this Directive.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT/ STATEMENTS
Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Russian Federation on drug precursors	12221/13
2014/195/EU: Council Decision of 17 February 2014 authorising Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 OJ L 106, 09/04/2014, p. 4–6	13408/13
Council Decision authorising the opening of negotiations with the Republic of Colombia, for an agreement between the European Union and the Republic of Colombia establishing a framework for the participation of the Republic of Colombia in European Union crisis management operations ("Framework Participation Agreement")	6119/14
Council Decision 2014/98/CFSP of 17 February 2014 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe OJ L 50, 20/02/2014, p. 20–21	5887/14
Council Regulation (EU) No 153/2014 of 17 February 2014 amending Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe and repealing Regulation (EU) No 298/2013 OJ L 50, 20/02/2014, p. 1–6	5877/14

3294th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 18 February 2014

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 248/2014 of the European Parliament and of the Council of 26 February 2014 amending Regulation (EU) No 260/2012 as regards the migration to Union-wide credit transfers and direct OJ L 84, 20/03/2014, p. 1–3	PE-CONS 9/14	Qualified majority	All member states in favour

Statement by the UK

While the UK has no policy objection to the proposed Regulation, the UK is concerned by the approach taken to this urgent quick fix legislative proposal. Member States should have been informed of the Commission's intention to postpone the implementation date ahead of its publication. National parliaments should be given appropriate time to scrutinize EU legislative proposals. The timetabling that was initially pursued on this proposal would not have allowed for this.

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Recommendations on discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the implementation of the budget for the financial year 2012	5849/14 + ADD 1
Council Recommendations on discharge to be given to the executive agencies in respect of the implementation of the budget for the financial year 2012	5850/14 + ADD 1
Council Recommendations on discharge to be given to the joint undertakings in respect of the implementation of the budget for the financial year 2012	5851/14 + ADD 1
2014/196/EU: Council Implementing Decision of 18 February 2014 approving the update of the macroeconomic adjustment programme of Portugal OJ L 107, 10/04/2014, p. 59–60	5888/14
2014/197/EU: Council Implementing Decision of 18 February 2014 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal OJ L 107, 10/04/2014, p. 61–68	5889/14

2014/96/EU: Council Decision of 18 February 2014 extending the validity of Decision 2012/96/EU OJ L 48, 19/02/2014, p. 10–11	6223/14
Recommendation for a Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the renewal of the protocol to the Fisheries Partnership Agreement with Mauritania	6051/14
Statement by the Commission The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.	
Statement by the Netherlands The Netherlands votes in favour of the proposal for a Council decision authorising the Commission to open negotiations on behalf of the European Union for the renewal of the protocol to the Fisheries Partnership Agreement with the Islamic Republic of Mauritania. The Netherlands will assess the outcome of these negotiations on sustainability and the economic return for the European Union. Furthermore, the Netherlands urges the Commission to resolve an omission in the current protocol. According to international law, it is the exclusive competence of a flag state to determine labour conditions, training and certification of fishermen on vessels flying its flag. A new protocol should enable flag states to fulfil their international obligations concerning safety on board, including when employing Mauritanian seamen. The Netherlands will assess whether the proposal for a new protocol meets this important requirement.	
Council Conclusions on 2014 European Semester: macroeconomic and fiscal guidance to Member States	6145/14
Council Conclusions on Alert Mechanism Report 2014	6146/14
Council Recommendation on discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2012	5848/14

Statement by The Netherlands, Sweden and the United Kingdom

With reference to:

- the European Court of Auditors' annual report on implementation of the 2012 EU budget;
- the discharge to be given to the Commission in respect of the implementation of the EU budget for the financial year 2012; and
- the draft Council recommendation as in document 5848/1/14 REV 1 FIN 71 PE L 6 + 5848/14 ADD 1 FIN 71 PE-L 6,

the Netherlands, Sweden and the United Kingdom:

- strongly regret that, for the nineteenth successive year, the European Court of Auditors has been unable to grant an unqualified statement of assurance on the EU budget as a whole and that the overall error rate in recent years has increased to 4.8 %, being significantly above the acceptable threshold of 2 %;
- stress the necessity of preventing further increases in the error rate, whilst agreeing that the credibility of EU spending depends crucially on improvements to financial management by all involved in the use of EU funds;
- reiterate the importance of independent EU-level audit of EU funds and firmly support the work of the European Court of Auditors;
- urge the Commission to take the opportunity of the new multiannual financial framework and the revised Financial Regulation to launch initiatives to significantly reduce the error rates, including by taking further steps to simplify and clarify the regulatory framework in order to enhance compliance, and issuing guidance to facilitate a universal interpretation given the challenges created by the complexity of existing rules;
- note that around 80 % of the EU budget is spent under the system of "shared management" by Member States;
- reiterate the importance of Member States taking full responsibility for putting in place effective and efficient control mechanisms for the management of EU funds at a national level, more specifically in view of the revised Financial Regulation containing new and additional control and reporting obligations;
- call upon Member States and the European Commission to ensure a prompt implementation of these new reporting obligations when due;
- stress that transparency is an important element of accountability and therefore call upon Member States to publish the annual summaries of audits and management statements following the invitation to this end in the revised Financial Regulation;
- urge the Commission to continue to strive for an efficient financial management, including strict application of financial corrections and recoveries;
- invite the Commission to facilitate the use of standardised cost instruments;
- encourage the Commission to continue to publish its Annual Activity Reports and other comprehensive reports in such a way as to provide European citizens with accessible and comparable data on the performance, legality and regularity of EU spending in Member States;
- affirm, like the Court of Auditors, the importance of quality in EU spending and call upon the Commission to take further steps to monitor and enhance the European added value of interventions financed from EU funds.

Council Conclusions on Budget guidelines for 2015

5852/14

3295th meeting of the Council of the European Union (COMPETITIVENESS (Internal Market, Industry, Research and Space)) held in Brussels on 20 and 21 February 2014

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Council Decision No 136/2014/EU of 20 February 2014 laying down rules and procedures to enable the participation of Greenland in the Kimberley Process certification scheme OJ L 84, 20/03/2014, p. 99–104	17985/14	Unanimity	All member states in favour
Regulation (EU) No 257/2014 of the European Parliament and of the Council of 26 February 2014 amending Council Regulation (EC) No 2368/2002 as regards the inclusion of Greenland in implementing the Kimberley Process certification scheme OJ L 84, 20/03/2014, p. 69–71	PE-CONS 136/13	Qualified majority	All member states in favour
Position (EU) No 3/2014 of the Council at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC Adopted by the Council on 20 February 2014 OJ C 82E , 21/03/2014, p. 1–69	17695/13	Qualified majority	All member states in favour, except: Against: NL

Statement by the Netherlands

The Netherlands cannot approve the compromise reached with the European Parliament. Noise emission standards for motor vehicles are an important and cost-effective means to reduce noise emissions at the source, thus contributing to the health and wellbeing of citizens.

The main reason to reject the compromise lies in the testing methods that allow the use of worn-out tires. We foresee that vehicles will produce more noise in practice than in the testing. This may lead to vehicles exceeding the limits on the road.

Regulation (EU) No 256/2014 of the European Parliament and of the Council of 26 February 2014 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union, replacing Council Regulation (EU, Euratom) No 617/2010 and repealing Council Regulation (EC) No 736/96 OJ L 84, 20/03/2014, p. 61–68	PE-CONS 117/13	Qualified majority	All member states in favour
Regulation (EU) No 249/2014 of the European Parliament and of the Council of 26 February 2014 repealing Council Regulation (EC) No 827/2004 prohibiting imports of Atlantic bigeye tuna (<i>Thunnus obesus</i>) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No 1036/2001 OJ L 84, 20/03/2014, p. 4–5	PE-CONS 16/14	Qualified majority	All member states in favour
Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market OJ L 84, 20/03/2014, p. 72–98	PE-CONS 16/14	Qualified majority	All member states in favour, except: Abstention: PL
<p>Statement by the Netherlands and Germany</p> <p>The directive foresees the establishment of an expert group (article 41), which shall carry out certain tasks relating to the application of the Directive by the Member States.</p> <p>For reasons of clarification the Netherlands and Germany would like to underline that the expert group is established by the legislator and, therefore, is not covered by the Framework Agreement on relations between the European Parliament and the European Commission (OJ L 304/47).</p> <p>Furthermore, the Netherlands and Germany would like to underline that the Treaty on the European Union, nor the Treaty on the Functioning of the European Union, foresee in a role for the European Parliament with regard to tasks relating to the application of directives and regulations.</p>			

Statement by the Republic of Slovenia

Slovenia supports the unification of the collective management of rights to guarantee the effective and transparent functioning of collective management organisations in the EU. The promotion and facilitation of multi-territorial rights could have a positive impact on the availability of new offers for both consumers and service providers.

In spite of the above, Slovenia has expressed reservations throughout the procedure about certain substantive provisions in the draft Directive. Slovenia's position is that it is essential for Member States to continue using the regime for issuing authorisation to collective management organisations operating in their respective territories, and also to supervise their activities. The free performance of the services of collective management organisations across the borders of a Member State, in which the organisation has its seat, might lead to a division of one repertoire managed by one collective management organisation into several repertoires managed by several organisations. Slovenia believes that this would benefit neither copyright holders nor consumers. Slovenia also advocates a clearer regulation of responsibilities of the relevant authorities that coordinate the activities of collective management organisations with national legal systems adopted on the basis of this Directive. It would be prudent to task the authority of the country, in which the organisation operates, with the supervision of the functioning of collective management organisations, as the substantive law is not uniform throughout the EU.

Due to the above, Slovenia has advocated prior authorisation and supervisory regimes for collective management organisations established in other Member States. On the basis of including introductory statement No. 37 in the text of the Directive on a regime for the prior issue of authorisation and supervision in a Member State, and in the spirit of compromise, Slovenia hereby accepts the final compromise agreement on the draft Directive.

Statement by Latvia

The Republic of Latvia draws attention that the legal term 'veikt uzņēmējdarbību' used in the Latvian language version of the Directive with respect to the place of establishment of Collective Rights Management Organizations means 'to carry out entrepreneurship/business activity' and consequently is substantially different from the legal meaning of the term 'to be established' used in the English and other language versions of the Directive. The Republic of Latvia notes that inconsistent or incorrect usage of legal terminology of such substantive importance leads to legal ambiguity and therefore creates the risk of disrupting legal parallelism amongst the language versions of the Directive. The Republic of Latvia notes that the term 'to be established' in analogous context appears in Article 49 of the Treaty on the Functioning of the European Union, where it is being translated into Latvian as 'izveidot'. The latter term 'izveidot' more precisely describes the act of being established covered by the Directive.

The Republic of Latvia intends to initiate the corrigendum procedure regarding the Directive in order to ensure consistent and correct use of terminology.

Statement by the Republic of Poland

The Republic of Poland welcomes the positive results achieved as regards the rules pertaining to the improvement of the functioning, governance and transparency of collective management organisations.

Poland also welcomes the fact that the Directive will not have an impact on the prior authorisation schemes that Member States apply in relation to collective management organisations operating on their territory.

Poland believes that any new measure harmonising copyright law in the EU should be carefully analysed in the light of its compliance with article 167 TFEU and with the UNESCO Convention on the protection of cultural diversity. In this context, Poland still has doubts on the system of multiterritorial licensing introduced in Title III of the Directive. Despite the equal treatment safeguard for the repertoire transferred to another collective management organisation, it is very likely that the system will in any case lead to the reinforcement of the position of the biggest organisations representing the most popular anglo-american repertoire. This would in turn be detrimental to the repertoires with limited linguistic presence in the EU and would cause harm to the principle of safeguarding cultural diversity. Moreover, new online businesses may not be interested in acquiring licences for multi-repertoire and multiterritorial coverage. They very often face other types of barriers than licensing that prevent them from launching a multi-territorial or a pan-European service, such as the need to adapt their commercial strategy to national markets and regulatory framework (e.g. data protection, consumer law), the lack of broadly accessible electronic payment methods (e.g. credit card payments), the high level of exclusive rights infringements and the need to respond to the expectations of a local audience. As a result, the system does not really allow for the completion of a genuine digital single market as it does not guarantee equal access for consumers to legal online music offers in all Member States.

Lastly, Poland has been constantly raising its objections in relation to the inclusion of the ‘value of the service provided by collective management organisations’ as a criterion to set the tariffs in article 16. Such a criterion, which is not clearly defined, may lead to problems of interpretation or to the risk of abuse in setting the tariffs, especially in the systems where collective management organisations operate on a non-profit basis.

On the basis of the arguments presented above, the Republic of Poland decided to abstain from voting on the Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market.

Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures OJ L 65, 05/03/2014, p. 1–7	PE-CONS 125/13	Qualified majority	All member states in favour
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<p>Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses OJ L 96, 29/03/2014, p. 1–44</p>	<p>PE-CONS 47/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>The Commission regrets the adoption of Article 49(5) and the corresponding recital 49 that have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>With regard to the recital 50 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.</p>			
<p>Statement by Austria and Germany</p> <p>The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13. Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation.</p>			

<p>Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels OJ L 96, 29/03/2014, p. 45–78</p>	<p>PE-CONS 48/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>The Commission regrets the adoption of Article 39(5) and the corresponding recital 43 that has the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>With regard to the recital 44 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.</p>			
<p>Statement by Austria and Germany</p> <p>The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13. Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation.</p>			

<p>Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility OJ L 96, 29/03/2014, p. 79–106</p>	<p>PE-CONS 49/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>The Commission regrets the adoption of Article 41(3) and the corresponding recital 53 that have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>With regard to the recital 54 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.</p>			
<p>Statement by Austria and Germany</p> <p>The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13. Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation.</p>			

<p>Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments OJ L 96, 29/03/2014, p. 107–148</p>	<p>PE-CONS 50/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>The Commission regrets the adoption of Article 41(4) and the corresponding recital 42 that have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>With regard to the recital 43 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.</p>			
<p>Statement by Austria and Germany</p> <p>The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.</p> <p>Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation.</p>			

<p>Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments OJ L 96, 29/03/2014, p. 149–250</p>	<p>PE-CONS 51/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>The Commission regrets the adoption of Article 46(5) and the corresponding recital 56 that have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>With regard to the recital 57 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.</p>			
<p>Statement by Austria and Germany</p> <p>The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.</p> <p>Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation.</p>			

<p>Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts OJ L 96, 29/03/2014, p. 251–308</p>	<p>PE-CONS 52/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>The Commission regrets the adoption of Article 42(5) and the corresponding recital 44 that have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>With regard to the recital 45 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.</p>			
<p>Statement by Austria and Germany</p> <p>The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.</p> <p>Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation.</p>			

<p>Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres OJ L 96, 29/03/2014, p. 309–356</p>	<p>PE-CONS 53/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>The Commission regrets the adoption of Article 39(5) and the corresponding recital 45 that have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>With regard to the recital 46 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.</p>			
<p>Statement by Austria and Germany</p> <p>The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.</p> <p>Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation.</p>			

<p>Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits OJ L 96, 29/03/2014, p. 357–374</p>	<p>PE-CONS 54/13</p>	<p>Unanimity</p>	<p>All member states in favour</p>
<p>Statement by the Commission on the Competence of the Committee</p> <p>"The Commission regrets the adoption of Article 23(4) and the corresponding recital 32 that have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee."</p>			
<p>Statement by the Commission on the recital referring to the possibility of the European Parliament to be invited to meetings of expert groups</p> <p>"With regard to the recital 33 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the comitology committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU."</p>			
<p>Statement by Austria and Germany</p> <p>"The German language versions of the directives contain translation errors which, among other things, reverse the meaning of the provisions, thereby undermining the legal position of the Council in the negotiations. Such errors have in any case been found in documents PE-CONS 53/13, 50/13 and 54/13.</p> <p>Austria and Germany therefore request a prompt correction in the Official Journal and reserve the right to use the English-language versions for interpretation."</p>			

Council Decision No 189/2014/EU of 20 February 2014 authorising France to apply a reduced rate of certain indirect taxes on ‘traditional’ rum produced in Guadeloupe, French Guiana, Martinique and Réunion and repealing Decision 2007/659/EC OJ L 59, 28/02/2014, p. 1–3	6240/14	Qualified majority	All member states in favour, except: Abstained: UK
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT		
Council Decision on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes	16469/12		
Council Conclusions on the Progress report from the Commission on European Research Area (ERA) 2013	6353/14		

3296th meeting of the Council of the European Union (EDUCATION, YOUTH, CULTURE AND SPORT), held in Brussels on 24 February 2014	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT/ STATEMENTS
Council Implementing Regulation (EU) No 190/2014 of 24 February 2014 amending Implementing Regulation (EU) No 461/2013 imposing a definitive countervailing duty on imports of certain polyethylene terephthalate (PET) originating in India following an expiry review pursuant to Article 18 of Regulation (EC) No 597/2009 OJ L 59, 28/02/2014, p. 5–6	6195/14
Council Implementing Regulation (EU) No 191/2014 of 24 February 2014 imposing a definitive anti-dumping duty on imports of certain manganese dioxides originating in the Republic of South Africa following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 OJ L 59, 28/02/2014, p. 7–19	6198/14
Council Conclusions on efficient and innovative education and training to invest in skills - supporting the 2014 European Semester	6285/14
3300th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 20 February 2014	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT/ STATEMENTS
Council Conclusions on Ukraine	6761/14