



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 April 2014**

**8604/14**

**PUBLIC 68  
INF 115**

**NOTE**

---

Subject: MONTHLY SUMMARY OF COUNCIL ACTS NOVEMBER 2013

---

This document lists the acts adopted by the Council in November 2013.<sup>1 2</sup>

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.

---

<sup>1</sup> 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.

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

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

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

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

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

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

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

---

## INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN NOVEMBER 2013

**3271st meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS) held in Brussels on 15 November 2013**

### LEGISLATIVE ACTS

| ACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DOCUMENT         | VOTING RULE        | VOTES                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------------------------------------------|
| Position (EU) No 11/2013 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures<br>OJ C 360E, 10/12/2013, p. 1–48                                                                                                                                                                                              | 13283/13 + ADD 1 | Qualified majority | All Member States in favour                        |
| Position (EU) No 12/2013 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures<br>OJ C 360E, 10/12/2013, p. 49–65                                                                                                                                                          | 13284/13 + ADD 1 | Qualified majority | All Member States in favour                        |
| Regulation (EU) No 1258/2013 of the European Parliament and of the Council of 20 November 2013 amending Regulation (EC) No 273/2004 on drug precursors Text with EEA relevance<br>OJ L 330, 10/12/2013, p. 21–29                                                                                                                                                                                                                                                                                                       | PE-CONS 61/13    | Qualified majority | All Member States in favour except:<br>Against: DE |
| <b>Statement by the Commission concerning EU policy for SMEs</b><br>The Commission regrets that the Council did not accept a clearer commitment to reduce fees for SMEs and in particular for micro-enterprises, in line with the objectives of the EU policy for SMEs. However, in a spirit of compromise and in order to conclude the adoption of the amendment, the Commission can agree to the proposed compromise calling on Member States to consider modulating the fees they impose according to company size. |                  |                    |                                                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |                    |                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|-----------------------------------------------------------------------------|
| Regulation (EU) No 1259/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors<br>OJ L 330, 10/12/2013, p. 30–38                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PE-CONS 71/13 | Qualified majority | All Member States in favour, except:<br>Against: DE                         |
| Regulation (EU) No 1260/2013 of the European Parliament and of the Council of 20 November 2013 on European demographic statistics<br>OJ L 330, 10/12/2013, p. 39–43                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PE-CONS 88/13 | Qualified majority | All Member States in favour except:<br>Abstained: CZ, MT, SK<br>Against: IT |
| <p><b>Statement by Italy</b></p> <p>Italy has always been in favour of the regulation on European statistics on demography since the beginning of the discussion. This is confirmed by the very active role that Italian representatives have played at the meetings of the Eurostat working group on Population and Census and of the Council Working Party on Statistics, held from autumn 2009 onwards.</p> <p>Having said that, Italy opposed - and continues to oppose - the text of the regulation emerged from the 19-July meeting of the Council Working Party on Statistics, as evidenced by the scrutiny reservation entered on the entire dossier.</p> <p>The reasons why Italy does not agree on the 19-July version of the Regulation are twofold: firstly, the definition of “usually resident population” which conflicts with the legislation in force in Italy (Regulation on population registry) and does not ensure consistency with the other European demographic regulations already in force (i.e. Regulation 862/2007 on migration and the 763/2008 national census); secondly, the de facto removal of the article on derogations (i.e. Art. 8a, approved by the Council in summer 2012 and replaced by Art7a on feasibility studies).</p> |               |                    |                                                                             |
| <p><b>Statement by the Republic of Croatia</b></p> <p>Croatia has already expressed that it generally supports the Proposal for a Regulation of the European Parliament and of the Council on European demographic statistics.</p> <p>Nevertheless, Croatia would like to stress that it will not be able to meet the full scope of obligations as defined in Article 3 of the abovementioned Proposal for a Regulation.</p> <p>Data on live births by mother’s country of birth and data on deaths by country of birth have not been collected for the first reference year, i.e. 2013. Thus, a delivery of specified data will not be possible.</p> <p>The Republic of Croatia will introduce these two variables to the existing statistical surveys, making the data available from 2014 reference year onwards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                             |               |                    |                                                                             |

**Statement by Romania**

Romania has already expressed that it generally supports the Proposal for a Regulation of the European Parliament and of the Council on European demographic statistics.

Nevertheless, Romania would like to stress, once again, that it will not be able to meet the full scope of obligations as defined in Article 3 of the abovementioned Proposal for a Regulation.

Data on live births by mother's country of birth, mother's country of citizenship and mother's region of residence and data on deaths by country of birth have not been collected for the first reference year, i.e. 2013. Thus, a delivery of specified data will not be possible.

Romania introduced these four variables to the existing statistical surveys, making the data available from 2014 reference year onwards.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |                    |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|----------------------------------------------------|
| Regulation (EU) No 1202/2013 of the European Parliament and of the Council of 20 November 2013 amending Council Regulation (EC) No 1215/2009 in relation to tariff quotas for wine<br>OJ L 321, 30/11/2013, p. 1–5                                                                                                                                                                                                                                                                   | PE-CONS 92/13 | Qualified majority | All Member States in favour                        |
| Position (EU) No 13/2013 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport<br>OJ C 360E, 10/12/2013, p. 66–104 | 11523/13      | Qualified majority | All Member States in favour except:<br>Against: DE |

**Statement by the Federal Republic of Germany**

This Commission proposal on the digital tachograph is intended to establish the efficiency and effectiveness of tachographs and to ensure that professional drivers observe the rules on driving and rest times even more closely.

In the view of the German Federal Government, the proposal should not result in small and medium-sized enterprises – in particular craft industry enterprises – being exposed to further red tape without good reason, however.

The compromise text negotiated between the Parliament and the Council makes provision for such enterprises to be exempted if they use a vehicle within a 100 km radius from the base of the undertaking. While this is an improvement on the existing exemption, which covers only a 50 km radius, for large countries in terms of area, such as Germany, the new provision is nevertheless insufficient and therefore not acceptable. Moreover, small and medium-sized enterprises in particular are today dependent on reaching customers within a larger radius.

From the start of the negotiations, the German Federal Government has been advocating that the exemption be extended to a 150 km radius. As a minimum fallback position, it would still be acceptable to Germany if at least those Member States believing this to be necessary were given the possibility of extending the exemption to a 150 km radius.

On the basis of the arguments mentioned in this statement for the minutes, the German Federal Government is unable to agree to the Commission proposal on digital tachographs in the form resulting from the informal trilogue.

**Commission statement concerning regulation (EC) no 561/2006**

"In order to ensure an effective and uniform implementation of the legislation on driving times and rest periods, the Commission will continue to monitor closely the implementation of that legislation and, where necessary, take the appropriate initiatives."

**Commission statement concerning implementing acts**

The Commission considers that the future acts, which the Commission has been given the power to adopt by the legislative act in order to set out the detailed provisions and specifications for the tachograph, tachograph cards and record sheets, as well as the type approval requirements, aim at supplementing the technical specifications set out in the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The Commission will not stand against the adoption of the text as agreed by the co-legislators. Nevertheless, the Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice in the "biocides" case.

**Commission statement concerning the use of article 5(4) subparagraph 2 point (b) of Regulation (EU) no 182/2011**

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.

While the Commission notes the agreement reached by the European Parliament and the Council on the recourse to this provision it regrets that such justification is not reflected in a recital.

Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 OJ L 329, 10/12/2013, p. 1–4

PE-CONS 43/13

Qualified majority

All Member States in favour

**Commission statement**

The Commission considers that the title does not properly reflect the scope of the Directive.

**Statement by Austria**

Austria is aware of the significance of the Maritime Labour Convention, which is an important step towards improving the living and working conditions of seafarers on ships. Accordingly, Austria welcomes efforts made to implement the Maritime Labour Convention in the largest possible number of States.

On the other hand, maritime transport is less important to a landlocked state such as Austria, not least because the shipping register has been closed for commercial vessels. In this regard Austria is therefore no longer a flag State.

Austria would not wish to obstruct the other Member States in any way, should they ratify the Maritime Labour Convention within the meaning of the proposed Directives. As the implementation of this Convention requires a significant administrative and financial commitment, which is entirely disproportionate to the Convention's relevance for Austria, Austria does not intend to ratify the Maritime Labour Convention.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |               |                    |                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|------------------------------------------------------|
| Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC<br>OJ L 354, 28/12/2013, p. 90–131                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PE-CONS 41/13 | Qualified majority | All Member States in favour except:<br>Against: BG   |
| <b>Statement by the Commission on the Competence of the Committee</b><br>The Commission regrets the adoption of the Article 50(5) and (6) 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. |               |                    |                                                      |
| <b>Statement by the German delegation</b><br>The Federal Republic of Germany agrees with the results of the trilogue negotiations on the proposal for a directive of the European Parliament and of the Council on recreational craft and personal watercraft, but points out that the compromise contains insufficient requirements for exhaust and noise emissions. The Federal Republic of Germany regrets, that the proposals it made in this regard were not given adequate consideration.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |               |                    |                                                      |
| Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ( ‘the IMI Regulation’ )<br>OJ L 354, 28/12/2013, p. 132–170                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PE-CONS 57/13 | Qualified majority | All Member States in favour except:<br>Abstained: BG |
| <b>Commission statement</b><br>The Commission will, when preparing the delegated acts referred to in Article 57c(2), ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council, and will carry out appropriate and transparent consultations well in advance, in particular with experts from competent authorities and bodies, professional associations and educational establishments of all the Member States, and where appropriate with experts from social partners.                                                                                                                                                                                                                                                                                                                                                                                                         |               |                    |                                                      |

### Statement by Bulgaria

Bulgaria is voting *abstention* in respect for Art. 46 of the Proposal for a Directive of The European Parliament and of The Council amending Directive 2005/36/EC on the recognition of professional qualifications, with reference to the duration of architects' training, on the following grounds: The opinion of the Republic of Bulgaria is that an acceptable standard is attained for the *architect* profession in terms of knowledge, skills and competences via a combination of an academic education and professional experience in accordance with the international standard for at least 5 years of full-time study at a university or a comparable educational institution, leading to successful completion of a university-level examination for acquisition of qualification and at least two years of professional traineeship, which is certified, respectively, attested to by a certificate issued from the competent authority. Bulgaria emphasizes that it is the application of that international standard that allows for an automatic recognition of the *architect* professional qualification and the related minimum training duration and supplement of the academic education with professional experience.

The *architect* profession is one of the professions having a direct impact over people's lives and health. The building designs, which are elaborated by architects, should guarantee to the society that the constructions resulting from those designs will comply with the regulatory requirements and technical specifications for ensuring building sustainability and durability in operational and seismic loading, will provide a safe building operation exploitation and fire safety, will create a healthy living environment safeguarding people's lives and health, as well as environmental preservation. Currently, the requirements for knowledge, skills and competences of architects are many times more than what was necessary 15 years ago for practicing the *architect* profession and continue growing, including new fields and disciplines. This basis is attained on an academic level. In this sense, it is not useful to aspire towards a constant reduction of the academic education volume and duration, taking into account the increasing volume of learning outcomes. Bulgaria expresses its apprehension that the minimum regulation will reduce the competitiveness of the European architects on some global markets, because the international standard is five-year academic training.

Bulgaria states its concern over the fact that the precise formulation has not been laid down in the proposed amendments for modernization of Directive 2005/36/EC on the recognition of professional qualifications as regards the common minimum requirements in the direction of establishing a common standardized framework for training in *Architecture* major, as well as standardized requirements for the duration, content and control of the professional traineeship, as well as the absence of traineeship, if there is a five-year duration of training in *Architecture* major. Bulgaria sustains its position regarding the necessity for professional traineeship with a two-year duration, under the supervision of a registered architect or another competent body, because it is exactly this traineeship that provides for practical knowledge in a real working environment for the graduates from *Architecture* major, which is different from the working environment in universities. The traineeship, which is envisaged after the third year of training, cannot be compared in quality with the traineeship under the supervision of a registered architect or a competent body that is carried out after the training completion of *Architecture* major.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |               |                    |                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|-----------------------------------------------------------------|
| <p>Directive 2013/56/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content, and repealing Commission Decision 2009/603/EC</p> <p>OJ L 329, 10/12/2013, p. 5–9</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PE-CONS 55/13 | Qualified majority | <p>All Member States in favour except:</p> <p>Abstained: EE</p> |
| <p><b>Statement by the Commission on the procedure of adoption of implementing acts</b></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.</p> <p>Given that it is an exception to the general rule established in 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><b>Statement by the Commission on the stakeholders' consultation</b></p> <p>The Commission takes note of the agreement reached by co-legislators on Article 1(8)b. However, it recalls that Article 290 is to be interpreted as meaning that the Commission is autonomous in the preparation and adoption of delegated acts. The standard recital on expert advice contained in the Common Understanding agreed between the three institutions is a reflection of that interpretation. The Commission regrets that this principle was not respected and underlines that the present case cannot constitute a precedent.</p> <p><b>Statement by the Commission on the consolidated version</b></p> <p>The European Commission undertakes to contact the Publications Office with a view to have a consolidated version of Directives 2006/66/EC prepared within three months of the date of entry into force of Directive of the European Parliament and of the Council amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools.</p> |               |                    |                                                                 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |               |                    |                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|-------------------------------------------------------------------------------------|
| Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC<br>OJ L 330, 10/12/2013, p. 1–20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PE-CONS 59/13 | Qualified majority | All Member States in favour except:<br>Abstained: DE, EE, PL<br>Against: BG, CY, MT |
| <p><b>Statement by Bulgaria, Cyprus and Malta</b></p> <p>The abovementioned Member States recognise that ship recycling raises significant environmental challenges, which need to be addressed. However, we cannot agree that a regional approach is the most appropriate way forward. In view of the inherently global nature of the shipping sector and the right of ship owners to re-flag their ships, it would have been better to link the date of application of this Regulation to the date of entry into force of the Hong Kong Convention.</p> <p>Moreover, the threshold of 2.5 million light displacement tonnes in Article 32 is far too low to provide assurance that it will actually be possible to comply with the Regulation once it applies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |               |                    |                                                                                     |
| <p><b>Statement by Cyprus</b></p> <p>Cyprus regrets the failure to include more explicit wording in Article 16 (4) of the Regulation, regarding the application of the principle of equality in Union law, and in particular, providing for non-discriminatory access to recycling facilities for ships flying the flag of any EU Member State. Cyprus considers that the absence of such a reference does not mean that the Commission may approve ship recycling facilities located in third countries, such as Turkey, that apply discriminatory measures to ships associated with any Member State. Such an approval would be in breach of the principle of equality and thus, be considered unlawful.</p> <p>In this context, and in addition to the principles enshrined within the Treaty of the European Union, Cyprus recalls the Council Conclusions of 11 December 2012 on Enlargement and Stabilisation and Association Process, and the Declaration by the European Community and its Member States of 21 September 2005, and emphasises the obligation for non-discriminatory implementation of the Additional Protocol of the Association Agreement between the Union and Turkey, towards all Member States.</p> <p>The continuation of restrictive measures applied by Turkey vis-a-vis the Republic of Cyprus, coupled with the provisions of this Regulation, will impact negatively Cyprus's economy and shipping industry. Cyprus-associated ships will be excluded from EU-approved recycling facilities in Turkey, thereby limiting their recycling options. An inevitable loss of flags from the Cyprus shipping registry will lead to a loss of revenue. The port and shipping management industries will also receive a significant blow, as ship owners will choose to avoid Cyprus as a hub.</p> <p>Cyprus, therefore, calls on the Commission to respect scrupulously the principle of equality when drawing up the list of ship recycling facilities. Cyprus reserves all its rights, including legal redress where appropriate, to ensure that the principle of equality is respected.</p> |               |                    |                                                                                     |

**Statement by Poland**

Poland acknowledges that ship recycling practices in some parts of the world raise serious safety and environmental concerns and need urgent and effective solutions.

Poland also believes that maritime transport as a sector of intrinsically global nature requires measures wider than unilateral EU regulations. In consequence, Poland has been hesitant to lend its support for an EU regulation on ship recycling and instead advocated a concerted effort to facilitate earlier entry into force of the Hong Kong Convention for the safe and environmentally sound recycling of ships. We believe that the problem of unsound ship recycling can effectively be tackled only through an early entry into force of the Convention and its enforcement.

Poland highly appreciates that the final text of the Regulation on ship recycling extensively aligns with the Convention and may ease future adjustments of EU law to the Hong Kong Convention.

However, Poland maintains doubts that the conditions for application of the Regulation as provided in Article 32 are optimal. The application date in paragraph 1(b) fails to guarantee that compliance with the Regulation will be possible due to the probable lack of available recycling capacity and no firm link to the Hong Kong Convention.

Taking the foregoing into account, Poland cannot support the regulation and abstains from voting.

**Statement by Germany**

Germany still has concerns as to whether the Regulation can make any contribution to achieving its purpose, since it cannot stop shipowners continuing to register ships under a non-EU flag when they are to be broken up, and thus maintaining their existing practice.

**Statement by the Commission on the procedure of adoption of implementing acts**

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 in Article 5§4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

**Statement by Latvia**

Latvia agrees with the draft Regulation recognising the environmental challenges related to ship recycling practices. At the same time, Latvia believes, that a global regime established by the Hong Kong Convention would be more effective in view of the global nature of the shipping sector and competitiveness aspects of the EU ports.

In this regard Latvia would like to invite the European Commission while preparing the report on the feasibility of a financial instrument that would facilitate safe and sound ship recycling in accordance with the Article 29 and Recital 19 of the draft Regulation to also assess the influence of any such possible measures on the competitiveness of EU ports in comparison with ports situated in non-EU member states in the same region.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |               |                    |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|----------------------------------------------------------|
| Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 ‘Living well, within the limits of our planet’<br>OJ L 354, 28/12/2013, p. 171–200                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PE-CONS 64/13 | Qualified majority | All Member States in favour except:<br>Abstained: HU, PL |
| <p><b>Statement by Malta, the United Kingdom, Slovenia and Cyprus</b></p> <p>In the spirit of compromise, Malta, the United Kingdom, Slovenia and Cyprus can accept the position of the European Parliament at first reading adopted on 24 October 2013 on the proposal on a General Union Environment Action Programme to 2020 “Living well, within the limits of our planet”, insofar as it reflects the outcome of the informal trilogue on 19 June 2013, which was subsequently endorsed by Coreper on 26 June 2013. However, Malta, the United Kingdom, Slovenia and Cyprus are still concerned with respect to references to the setting of targets on land use found in paragraphs 25 and 28(vi) of the Annex. The setting of key objectives for land use is already being discussed in the context of the Territorial Cohesion and Urban Development portfolios. Malta, the United Kingdom Slovenia and Cyprus believe that the application of such targets should remain the prerogative of Member States in view of the specificities and diversities of territories</p>                                                                                                                                                                                                                                                            |               |                    |                                                          |
| <p><b>Statement by Germany</b></p> <p>From the 2010 Council Conclusions onwards, Germany was among those Member States urging the European Commission to come up with a 7th Environmental Action programme (7th EAP). Germany was also among those delegations which also proposed different improvements to the text and showed a maximum of flexibility throughout. However, Germany is among those Member States which maintain the view that the proposed Directive of the European Parliament and of the Council establishing a Framework for the Protection of Soil and amending Directive 2004/35/EC as put forward by the European Commission in 2006 does not represent a proportionate, adequate and forward-looking instrument for soil protection at an EU level. National or regional approaches aimed at soil protection vary widely due to highly differentiated patterns of agriculture, forestry and land use. Albeit to varying degrees across the EU, progress has already been made to ensure soil protection, including contaminated site identification and the development of monitoring systems. Emphasis should be placed on strengthening these efforts by sharing best practise examples and further development of guidelines, taking full account of regional differences and the principle of subsidiarity.</p> |               |                    |                                                          |

#### **Statement by France, Malta, the Netherlands, Austria and the United Kingdom**

France, Malta, the Netherlands, Austria and the United Kingdom are among those delegations which support the outcome of the informal trilogues regarding a 7th Environmental Action programme (7th EAP). France, Malta, the Netherlands, Austria and the United Kingdom were also among those delegations which also proposed different improvements to the text and showed a maximum of flexibility throughout the negotiations. It is in the spirit of a compromise that we are able to support the wording of the proposed 7th EAP with regard to a Soil Framework Directive. However, France, Malta, the Netherlands, Austria and the United Kingdom are among those delegations which also maintain the view that the proposed Directive of the European Parliament and of the Council establishing a Framework for the Protection of Soil and amending Directive 2004/35/EC as put forward by the European Commission in 2006 does not represent a proportionate, adequate and forward-looking instrument for soil protection at EU level. National or regional approaches aimed at soil protection vary widely due to highly differentiated patterns of agriculture, forestry and land use. Albeit to varying degrees across the EU, progress has already been made to ensure soil protection, including contaminated site identification and the development of monitoring systems. Emphasis should be placed on strengthening these efforts by sharing best practice examples and further development of guidelines, taking full account of regional differences and the principles of subsidiarity and proportionality.

#### **Statement by the Czech Republic, Hungary and Poland**

The Czech Republic, Hungary and Poland are not in a position to align themselves with the wording of paragraph 33 of the Annex of the Decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 relating to the EU climate and energy framework beyond 2020, which states that “*the EU needs to provide a clear legally-binding framework and target(s) to make the medium- and long-term investments needed in emissions reduction, energy efficiency and renewable energy. Hence the Union needs to consider policy options to make the transition to a low-carbon economy in a gradual, cost-effective way, taking into account the indicative milestones set out in the Low-Carbon Economy Roadmap to 2050, which should serve as the basis for further work. The Green Paper on a 2030 framework for climate and energy policies<sup>1</sup> represents an important step in this regard.*”

According to the Czech Republic, Hungary and Poland this formulation is not consistent with paragraph 4 of the Conclusions of the European Council of 22 May 2013, according to which the European Council has reserved the right to discuss and decide on the different policy options. The conclusions clearly state that “*the European Council will discuss policy options relating to a predictable climate and energy policy framework post-2020 in March 2014, after the Commission comes forward with more concrete proposals*”

The Czech Republic, Hungary and Poland recognise the importance of the General Union Environment Action Programme to 2020, however none of the priority objectives set out in the programme should prejudice the outcome of on-going and future negotiations on the energy and climate policy of the EU.

---

<sup>1</sup> COM(2013)0169.

**Statement by the United Kingdom**

The priority objectives set out in the present general action programme are without prejudice to future negotiations of the measures necessary to implement those objectives. Any new measures or modifications to existing legal frameworks should be considered within the appropriate Council formation and adopted under the relevant Treaty provisions.

**NON-LEGISLATIVE ACTS**

| ACT                                                                                                                                                                                                                                                                                                                          | DOCUMENT / STATEMENTS |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 2013/676/EU: Council Implementing Decision of 15 November 2013 authorising Romania to continue to apply a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax<br>OJ L 316, 27/11/2013, p. 31–32                                                                     | 15127/13              |
| 2013/677/EU: Council Implementing Decision of 15 November 2013 authorising Luxembourg to introduce a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax<br>OJ L 316, 27/11/2013, p. 33–34                                                                          | 15128/13              |
| 2013/678/EU: Council Implementing Decision of 15 November 2013 authorising the Italian Republic to continue to apply a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax<br>OJ L 316, 27/11/2013                                                                  | 15129/13              |
| 2013/679/EU: Council Implementing Decision of 15 November 2013 amending Decision 2007/441/EC authorising the Italian Republic to apply measures derogating from Articles 26(1)(a) and 168 of Directive 2006/112/EC on the common system of value added tax<br>OJ L 316, 27/11/2013, p. 37–38                                 | 15130/13              |
| 2013/680/EU: Council Implementing Decision of 15 November 2013 authorising the Kingdom of Denmark and the Kingdom of Sweden to extend the application of a special measure derogating from Articles 168, 169, 170 and 171 of Directive 2006/112/EC on the common system of value added tax<br>OJ L 316, 27/11/2013, p. 39–40 | 15131/13              |
| 2013/681/EU: Council Implementing Decision of 15 November 2013 amending Decision 2007/884/EC authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax<br>OJ L 316, 27/11/2013, p. 41–42                 | 15132/13              |

|                                                                                                                                                                                                                                                                                                                                                                                   |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 2013/671/EU: Council Decision of 15 November 2013 on the signing, on behalf of the European Union, of the Agreement between the European Union and the French Republic concerning the application to the collectivity of Saint-Barthélemy of Union legislation on the taxation of savings and administrative cooperation in the field of taxation<br>OJ L 313, 22/11/2013, p. 1–2 | 15148/13       |
| Council Conclusions on the Eurojust Annual Report 2012                                                                                                                                                                                                                                                                                                                            | 14919/13       |
| Council Conclusions on improving the monitoring of drug supply in the European Union                                                                                                                                                                                                                                                                                              | 15189/13       |
| Council Decision 2013/659/CFSP of 15 November 2013 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia<br>OJ L 306 , 16/11/2013 p. 15 -16                                                                                                                                                                                                             | 14078/13       |
| Council Regulation (EU) No 1153/2013 of 15 November 2013 amending Regulation (EC) No 147/2003 concerning restrictive measures in respect of Somalia<br>OJ L 306 , 16/11/2013, p. 1 - 2                                                                                                                                                                                            | 14265/13 REV 1 |
| Council Decision 2013/661/CFSP of 15 November 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran<br>OJ L 306, 16.11.2013, p. 18–20                                                                                                                                                                                                                 | 15809/13       |
| Council Implementing Regulation (EU) No 1154/2013 of 15 November 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran<br>OJ L 306, 16.11.2013, p. 3–6                                                                                                                                                                                       | 15811/13       |
| Council Decision 2013/660/CFSP of 15 November 2013 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)<br>OJ L 306, 16.11.2013, p. 17–17                                                                                                                                                    | 14634/13       |
| 2013/672/EU: Council Decision of 15 November 2013 on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania for a period of two years<br>OJ L 313, 22.11.2013, p. 3–3                                              | 14581/13 REV 1 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Statement by the Commission</b><br><p>The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of article 43(2) in conjunction with art. 218(6)a with article 43 (without mentioning the paragraph) in conjunction with article 218(6)a.</p> <p>The Commission also considers that "Article 43(2) in conjunction with Article 218 (6)(a) should be used as the correct legal basis in those cases where international fisheries agreements shall be concluded with the consent of the European Parliament given that the material legal basis of Article 43(2) determines the requirement of the consent of the European Parliament pursuant to the operational legal basis of Article 218(6)(a).</p> |                  |
| Council Decision authorising the Commission to open negotiations on behalf of the European Union on amendments to the Agreement establishing the General Fisheries Commission for the Mediterranean (GFCM), Rules of Procedures of GFCM and Financial Regulations of GFCM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 13821/13 REV 1   |
| <b>Statement by the Commission</b><br><p>"The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |
| 2013/720/EU: Council Decision of 15 November 2013 on the signing, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco<br>OJ L 328, 7.12.2013, p. 1–1                                                                                                                                                                                                                                                                                                                                                                                  | 14161/13         |
| Council Regulation (EU) No 1270/2013 of 15 November 2013 on the allocation of fishing opportunities under the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco<br>OJ L 328, 7.12.2013, p. 40–41                                                                                                                                                                                                                                                                                                                                                                            | 14164/1/13 REV 1 |

**Statement by Denmark**

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

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

Denmark also stresses that the Union must promote the respect of human rights and democratic principles when entering into bilateral agreements. However, these aspects are not as clearly stated in the Morocco protocol as in other fisheries protocols within fisheries partnership agreements.

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

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

**Statement by Germany, Austria and Ireland**

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

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

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

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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Statement by Ireland</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |
| Ireland has joined with Germany and Austria in a separate statement with regard to the decision on the signature of the Protocol to the Fisheries Partnership Agreement with the Kingdom of Morocco. That statement highlights the fundamental importance of respect for democratic principles and human rights, including regional distribution of funds. Ireland reserves its position on the overall Conclusion of the Protocol to the Fisheries Partnership Agreement with the Kingdom of Morocco.                                                                                                                                                                                                                                                                                                    |                       |
| <b>Statement by Finland</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |
| With regard to the Proposal for a Council Decisions on the signing and conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties and the Council Regulation on allocation of the fishing opportunities, Finland cannot support the Council Decisions and the Regulation, and abstains.                                                                                                                                                                                                                                                                                                     |                       |
| In accordance with the principles of international law, including the right to self-determination, permanent sovereignty over natural resources and the protection of human rights and fundamental freedoms, Finland emphasizes the need to take into account the interests and opinion of the people in Western Sahara. The economic gains resulting from the implementation of the Protocol should benefit the people in Western Sahara region. Finland finds it essential that the European Commission timely and comprehensively reports to the Member States of the European Union on the implementation of the Protocol. In this regard, specific attention should be given to projects selected in the Joint Committee and to the benefits created by these projects in the Western Sahara region. |                       |
| Council Conclusions on Special report No 1/2013 from the European Court of Auditors entitled "Has the EU support to the food-processing industry been effective and efficient in adding value to agricultural products?"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 14885/13              |
| Council Conclusions on EU Statistics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 15442/13              |
| <b>3273rd meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 18 and 19 November 2013</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                       |
| NON-LEGISLATIVE ACTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |
| ACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DOCUMENT / STATEMENTS |
| 2014/163/EU: Council Decision of 18 November 2013 on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes<br>OJ L 89, 25/03/2014, p. 6–6                                                                                                                                                                                                                                                                                        | 15256/13              |

|                                                                                                                                                                                                                                                                                                             |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Council Decision 2013/668/CFSP of 18 November 2013 in support of World Health Organisation activities in the area of biosafety and biosecurity in the framework of the European Union Strategy against the proliferation of Weapons of Mass Destruction<br>OJ L 310, 20/11/2013                             | 14635/13 |
| Council Decision 2014/71/CFSP of 18 November 2013 on the signing and conclusion of the Agreement between the European Union and the Republic of Chile establishing a framework for the participation of the Republic of Chile in European Union crisis management operations<br>OJ L 40, 11/02/2014, p. 1–1 | 13734/13 |
| 2014/15/EU: Council Decision of 18 November 2013 on the signing and conclusion of the Agreement between the European Union and Georgia establishing a framework for the participation of Georgia in European Union crisis management operations<br>OJ L 14, 18/01/2014, p. 1–1                              | 14904/13 |
| Council Conclusions on Tunisia                                                                                                                                                                                                                                                                              | 16196/13 |
| Council Conclusions on Libya                                                                                                                                                                                                                                                                                | 16192/13 |
| Council Conclusions on the regional impact of the Syria Crisis                                                                                                                                                                                                                                              | 16194/13 |

**3274th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 19 November 2013**

## LEGISLATIVE ACTS

| ACT                                                                                                                                                           | DOCUMENT                                                        | VOTING RULE        | VOTES                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------|----------------------------------------------------------------|
| General budget of the European Union for the financial year 2014 - Approval of the Conciliation Committee joint text: Figures by budget line - Other Sections | 16106/13<br>+ ADD 1<br>+ ADD 2<br>+ ADD 3<br>+ ADD 4<br>+ ADD 5 | Qualified majority | All member states in favour except:<br>Against: DK, NL, SE, UK |

**Joint statement on payment appropriations**

The European Parliament, the Council, and the Commission recall their shared responsibility, as laid down in Article 323 of the Treaty on the Functioning of the European Union (TFEU), that *"the European Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligation in respect of third parties"*.

The European Parliament and the Council recall the need to ensure, in the light of implementation, an orderly progression of payments so as to avoid any abnormal shift of outstanding commitments ("RAL") onto the 2015 budget. In this respect, they will have recourse, when appropriate, to the various flexibility mechanisms included in the MFF Regulation, among others in its Article 13.

The European Parliament and the Council agree to set the level of payment appropriations for 2014 at EUR 135 504 613 000. They ask the Commission to initiate any necessary action, on the basis of the provisions of the draft MFF Regulation and the Financial Regulation, to cover the responsibility assigned by the Treaty and, in particular, after having examined the scope for reallocation of the relevant appropriations, with particular reference to any expected under-implementation of appropriations (Financial Regulation Article 41§2) to request additional payment appropriations in an amending budget if the appropriations entered in the 2014 budget are insufficient to cover expenditure.

The European Parliament and the Council will take position on any draft amending budget as quickly as possible in order to avoid any shortfall in payment appropriations. In addition, the European Parliament and the Council undertake to process swiftly any possible transfer of payment appropriations, including across financial framework headings, in order to make the best possible use of payment appropriations entered in the budget and align them to actual execution and needs.

The European Parliament, the Council and the Commission will, throughout the year, actively monitor the state of implementation of the 2014 budget, in particular under sub-heading 1b (Economic, social and territorial cohesion) and rural development under heading 2 (Sustainable Growth: Natural Resources). This will take the form of dedicated inter-institutional meetings, in accordance with Point 36 of the Annex of the Interinstitutional Agreement, to take stock of payment implementation and revised forecasts.

### **European Parliament and Commission statement on payment appropriations**

The European Parliament and the Commission recall the need for specific and maximum flexibility within the 2014-2020 MFF. Changes to the proposed legal bases agreed by the legislative authority will lead to further pressure on the payment ceilings under the 2014-2020 MFF. In the context of the finalisation of the legislative package for the Cohesion policy 2014-2020 and taking into account the possible impact of the SME initiative, the Commission issued a declaration on the impact of the agreement reached on the performance reserve and pre-financing levels, on payment needs. Whilst the overall impact of these changes on additional payment appropriations in the 2014-2020 MFF is considered to remain limited, the Commission stated that the annual fluctuations in the global level of payments would be managed through the use of the global margin for payments. If needed, the Commission may also have recourse to the Flexibility Instrument and the Contingency Margin agreed upon in the draft MFF Regulation.

Therefore, the Commission intends to propose correcting measures in light of implementation, using, to the extent necessary, all the tools offered by the new MFF. Specifically, in the course of 2014 the Commission may have to propose to have recourse to the Contingency Margin, in accordance with Article 13 of the draft MFF Regulation.

### **Council statement on payment appropriations**

The Council recalls that the special instruments can only be activated to cater for genuinely unforeseen circumstances.

It recalls that the Contingency Margin shall not result in exceeding the total ceilings of commitment and payment appropriations.

As regards other special instruments, the Council recalls that Article 3(2) of the draft MFF Regulation states that commitment appropriations may be entered in the budget over and above the ceilings of the relevant headings.

**Joint statement on decentralised agencies**

The European Parliament, the Council and the Commission recall the importance to progressively reduce the staffing levels of all EU institutions, bodies and agencies by 5 % over five years, as agreed in Point 23 of the draft Interinstitutional Agreement on budgetary discipline, cooperation in budgetary matters and on sound financial management.

The European Parliament and the Council commit to pursue progressively the above-mentioned 5 % staff reduction for the period 2013-2017 while insisting as well on the proper functioning of the agencies so that they can fulfil the tasks they have been assigned by the legislative authority. In this respect, they consider that further measures, including structural ones, may be required to achieve this reduction for decentralised agencies. In this context, the Commission will continue its assessment of the possibilities to merge and/or wind-up some of the existing agencies, and/or other ways to achieve synergies.

Further to the work carried out by the Inter-Institutional Working Group, which resulted in the Common Approach on decentralised agencies agreed in July 2012, the European Parliament, the Council and the Commission agree on the need for a closer and more permanent scrutiny on the development of decentralised agencies to ensure a coherent approach. Without prejudice to their respective prerogatives, they agree to establish a specific inter-institutional working group with the aim of defining a clear development path for agencies, based on objective criteria. The Group should in particular discuss:

- Evaluation of establishment plans on a case-by-case basis;
- Ways to provide adequate appropriations and staff for additional tasks, assigned to individual agencies by the legislative authority;
- Treatment of agencies which are fully or partially fee-financed;
- Administrative structure of agencies, financing models, treatment of assigned revenues;
- Reassessment of needs; potential mergers/closures; transfer of tasks to the Commission.

The European Parliament and the Council will take into due account the results achieved by the Inter-Institutional Working Group in their deliberations as legislative and budgetary authority.

**Joint statement on heading 5 and salary adjustments**

The European Parliament and the Council agree that pending the outcome of the cases before the European Court of Justice, the appropriations related to the proposed salary adjustments of 1.7 % for 2011 and 1.7 % for 2012 will not be included at this stage in the 2014 budget.

Should the Court of Justice rule in favour of the Commission, the Commission will present a draft amending budget in 2014 in order to cover the proposed salary adjustments, for all the Sections. Under such a scenario, the European Parliament and the Council undertake to act swiftly on the relevant draft amending budget.

**Joint statement on EU Special Representatives**

The European Parliament and the Council agree to examine the transfer of appropriations for the European Union Special Representatives from the Commission's budget (Section III) to the budget of the European External Action Service (Section X) in the context of the 2015 budgetary procedure.

|                                                                                                                                                                                                                                                                                                                                                   |          |                                                                                        |                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------|----------------------------------------------------------------|
| Amended draft amending budget No 9 to the general budget for 2013                                                                                                                                                                                                                                                                                 | 16107/13 | Qualified majority                                                                     | All member states in favour except:<br>Against: DK, NL, SE, UK |
| NON-LEGISLATIVE ACTS                                                                                                                                                                                                                                                                                                                              |          |                                                                                        |                                                                |
| ACT                                                                                                                                                                                                                                                                                                                                               |          | DOCUMENT / STATEMENTS                                                                  |                                                                |
| 2014/94/EU: Decision of the European Parliament and of the Council of 20 November 2013 on the mobilisation of the Flexibility Instrument<br>OJ L 48, 19/02/2014, p. 8–8                                                                                                                                                                           |          | 16108/14                                                                               |                                                                |
| 2013/692/EU: Council Decision of 19 November 2013 on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Slovakia<br>OJ L 319, 29/11/2013, p. 7–7                                                                                                                                                             |          | 15520/13                                                                               |                                                                |
| Conclusions of the Council and of the Representatives of the Governments of the Member States Meeting within the Council on an Addendum to the Memorandum of Understanding between the President of the Council of the European Union and the Swiss Federal Council of 27 February 2006 (Swiss Financial Contribution for the benefit of Croatia) |          | 15581/13                                                                               |                                                                |
| Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia<br>OJ L 315, 26/11/2013, p. 2–26                                                                            |          | 15382/13                                                                               |                                                                |
| Council Regulation (EU) No 1181/2013 of 19 November 2013 fixing an adjustment rate to direct payments provided for in Council Regulation (EC) No 73/2009 in respect of calendar year 2013 and repealing Commission Implementing Regulation (EU) No 964/2013<br>OJ L 313, 22/11/2013, p. 13–14                                                     |          | 15397/13<br>All Member States in favour, except:<br>Against: EL, IT, CY, LV, PL and PT |                                                                |

**Commission statement**

Following the adoption by the Commission on 16 October of the proposal for a Council Regulation to fix the adjustment rate for direct payments in respect of calendar year 2013, the Council took the view that the Commission proposal could be adopted on the basis of Article 43(3) TFEU and not using Article 18(5) of Council Regulation (EC) No 1290/2005 which is considered to be a "derived" legal basis.

The Commission declares that it considers that the use of Article 43(3) for fixing the adjustment rate for direct payments in respect of calendar year 2013 does not constitute a precedent for the future. As provided for in the future Horizontal Regulation, Article 43(2) TFEU will be the legal basis for fixing the rate for the reduction of direct payment in the framework of the financial discipline mechanism whereas possible adjustments of that rate prior to 1 December will be fixed by the Commission.

**Statement by Latvia on financial discipline in 2013**

Latvia abstains when voting on the Council Regulation fixing an adjustment rate to direct payments provided for in Regulation (EC) No 73/2009 in respect of calendar year 2013. Latvia strongly believes that the correction rate of financial discipline applied to direct payment sums for 2013 should be at the level of EUR 5000, therefore applying to those farmers who receive more than EUR 5000.

**Statement by Poland on financial discipline in 2013**

During discussions in the Agriculture and Fisheries Council, Poland has consistently argued that the limit exempting those in receipt of direct payments from the financial discipline mechanism should be kept at EUR 5 000.

Bearing in mind the European Commission's statement<sup>2</sup> of 30 June 2003 and its initial proposal<sup>3</sup> of 25 March 2013, as well as the European Parliament's position<sup>4</sup> of 12 June 2013 and the distribution of votes in the Council, Poland is of the opinion that the provisions of the European Commission Regulation<sup>5</sup> of 9 October 2013 are difficult to understand or to accept politically. By lowering the threshold from EUR 5 000 to EUR 2 000, an extra million EU farmers, the vast majority from the less prosperous Member States, will see their direct payments reduced.

Poland takes the view that it would be reasonable to apply financial discipline to the same group of farmers as are affected by modulation, especially as financial discipline should be a one-off event in terms of the financial implications for the farmers affected.

Council Regulation (EU) No 1180/2013 of 19 November 2013 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea

OJ L 313, 22/11/2013, p. 4–12

15169/13

All Member States in favour

<sup>2</sup> Declaration of the Commission concerning the application of the mechanism for financial discipline – Annex IV to 10961/03 of 30 June 2003.

<sup>3</sup> EC proposal, COM(2013) 159, 25 March 2013.

<sup>4</sup> EP legislative resolution of 12 June 2013.

<sup>5</sup> Commission Implementing Regulation (EU) No 964/2013 of 9 October 2013.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <p><b>Statement by DE, DK, FI, EE, LV, LT, SE, PL on Plaice in subdivisions 22-32</b></p> <p><u>Member States concerned</u> are committed to take all the necessary measures in order to ensure higher precision of catch assessment for this stock and paying full respect to the obligation to register all-inclusive discard data of plaice.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                             |
| <p><b>Statement by DE, DK, FI, EE, LV, LT, SE, PL on Salmon in the Gulf of Finland</b></p> <p><u>Member States concerned</u> are highly committed to the measures necessary for conservation of the wild salmon stocks in the Gulf of Finland. In particular, EE will continue its strict and targeted management measures in the coastal waters, as well as salmon rivers and their outlets, e.g., construction and maintenance of fish passages, habitat restoration, restocking activities and protection measures to support wild salmon stocks through its' migratory ways as recommended by ICES. FI will continue with the compensatory releases of fin clipped salmon and maintain the trap-net fishery in FI coastal waters that targets salmon from such releases. FI will also start the planning of an eventual construction of a fish passage on the Kymijoki River in order to support the natural reproduction of the introduced Neva salmon stock.</p> |                                                                             |
| <p><b>Statement by DE, DK, FI, EE, LV, LT, SE, PL on Sprat in Subdivisions 22-32</b></p> <p><u>Member States concerned</u> agree that the fishing at maximum sustainable yield (MSY) level shall be reached by 2015 for pelagic stocks in the Baltic Sea. By applying a stepwise approach in the movement to the MSY level when setting the TAC for sprat in 2014, Member States are fully aware that further adjustments of the TAC level should be fully respected in 2015, in order to reach the above goal.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                             |
| <p><b>Statement by DE, DK, FI, EE, LV, LT, SE, PL regarding measures for the recovery of weak salmon stocks</b></p> <p><u>Member States concerned and the Commission</u> agree that weak salmon stocks are in need of targeted measures to support their recovery. Based on an initiative of Finland and Sweden, the Member States concerned will consider possibilities for targeted fisheries management measures covering sea and inland waters and control efforts that support the recovery of weak salmon stocks. Member States concerned will consider such measures when preparing for the adoption of the 2015 salmon TAC for the Main Basin and Gulf of Bothnia.</p>                                                                                                                                                                                                                                                                                         |                                                                             |
| <p>Council Regulation (EU) No 1182/2013 of 19 November 2013 amending Regulations (EC) No 754/2009, (EU) No 1262/2012, (EU) No 39/2013 and (EU) No 40/2013 as regards certain fishing opportunities<br/>OJ L 313, 22/11/2013, p. 15–29</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>16109/13<br/>All Member states in favour, except:<br/>Abstention: PL</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>Council statement</b><br>The Council recognises the need for further discussions on how best to apply the flexibility possibilities arising from consultations with Coastal States. In doing so account will be taken of experience acquired to date and from the implementation of this amending Regulation as well as its interaction with existing rules relating to flexibility.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                           |
| <b>Statement by Poland</b><br>Poland thanks Presidency for a contribution to finding a solution to an important technical problem related to inter-annual flexibility caused by changing interpretations of Article 7 of 2012 External Fishing Opportunities Regulation.<br>However, we regret to note that the proposed solution does not precise how the swapped quotas are to be treated in the future application of the new Article 6a by the Commission. Given the above, Poland cannot support it and abstains from voting.                                                                                                                                                                                                                                                                                                              |                                           |
| <b>Commission statement on article 6a</b><br>The Commission regrets that the Council has chosen to reintroduce in Article 6a a special flexibility mechanism for seven pelagic stocks shared with Norway by modifying the international fishing opportunities regulation for 2013 (Regulation (EU) No 40/2013).<br>The Commission draws the attention of the Council to the fact that a more stable solution should be envisaged in order to provide for such mechanism. The Commission also draws the attention of the Council to the risks of applying the flexibility mechanism described in Article 6a in practice, which will be assumed by the Member States who choose to make use of the Article. Under no circumstances should the application of Article 6a lead to unjustified quota increases, in particular as regards carryovers. |                                           |
| Council Implementing Decision amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 15373/13<br>+ COR 1<br>+ COR 2<br>+ COR 3 |
| Council Implementing Decision approving the update of the macroeconomic adjustment programme of Portugal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 15787/13                                  |

**3275th meeting of the Council of the European Union (EDUCATION, YOUTH, CULTURE AND SPORT), held in Brussels on 25 and 26 November 2013**

LEGISLATIVE ACTS

| ACT                                                                                                                                                                                                       | DOCUMENT | VOTING RULE | VOTES                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------|-----------------------------|
| Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision')<br>OJ L 344, 19/12/2013, p. 1–118 | 14907/13 | Unanimity   | All member states in favour |

**Statement by the Commission**

The Commission regrets the lack of agreement in the Council as regards the inclusion of the proposed Article 47 on Management of Administrative Errors in the Council Decision.

The purpose of that Article was to explicitly confirm in the Decision that in case of error by the competent OCT authorities in the issuance of certificates and methods of administrative cooperation, and where this error leads to losses affecting Union import duties, the Member State with whom the OCT that has committed the error has special relations, shall compensate the Union budget for the loss incurred.

The Commission considers that the financial burden of such losses incurred is not to be borne by the Union budget and thus by all other Member States. The Commission recalls that, according to Article 4(3) of TEU, Member States shall take all appropriate measures to ensure fulfilment of the obligations arising from the Treaties. One of those obligations relates to Article 29 of TFEU which stipulates that customs duties which are payable should be levied. A Member State's refusal to compensate the loss of funds which should have been collected and made available hinders the proper functioning of the Union's own resources system thus disrupting the financial equilibrium of the Union. Member States should protect Union's financial interests and assume the financial responsibility resulting from their special relationship with their OCTs listed in Annex II of TFEU.

Although the proposed Article is therefore not to be included in the Decision, the Commission considers that its content is in accordance with the Member States' already existing obligations under the Treaties. The Commission is applying this legal approach in current cases of losses incurred in case of errors by the competent OCT authorities and will continue to apply it in future cases.

**Statement by Denmark**

Denmark, the Netherlands and the United Kingdom note the proposals made by the Commission for an article concerning the Management of Administrative Errors to be included in the Council Decision on the association of the overseas countries and territories with the European Union. The Commission had proposed that the Member State with whom an OCT has a special relation, should compensate the Union budget for the loss incurred in case the OCT has committed an error. This proposal was not included in the decision for lack of agreement in the Council. Denmark, the Netherlands and the United Kingdom would like to stress that for the Member State with whom an OCT has a special relationship there is no general legal obligation for the Member State to compensate the Union budget for losses incurred for actions for which the OCT concerned has autonomous powers.

**NON-LEGISLATIVE ACTS**

| <b>ACT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>DOCUMENT / STATEMENTS</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Council Decision on the conclusion of the Cooperation Agreement on a civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and Ukraine                                                                                                                                                                                                                                                                                                                                   | 15717/13                     |
| Council Decision establishing the position to be taken on behalf of the European Union at the Eighteenth Ordinary Meeting of the Contracting Parties of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, as regards the proposal for amending Annexes II and III to the Protocol concerning Special Protected Areas and Biological Diversity in the Mediterranean and as regards the proposal for adoption of a Regional Action Plan on Marine Litter | 15987/1/13 REV 1             |
| Council Conclusions on Common Security and Defence Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 16531/13                     |
| Council Decision 2013/698/CFSP of 25 November 2013 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade<br>OJ L 320, 30/11/2013, p. 34–42                                                                                                                                                                                                                                                 | 14877/13                     |
| Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund, including the ceiling for 2015, the amount for 2014 and the first instalment for 2014                                                                                                                                                                                                                                                                                                         | 15699/13                     |
| 2013/695/EU: Council Decision of 25 November 2013 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas<br>OJ L 320, 30/11/2013, p. 7–7                                                                                                                                                                                                                                                              | 15553/13                     |

|                                                                                                                                                                                             |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Council Conclusions on effective leadership in education                                                                                                                                    | 15587/13                   |
| Council Conclusions on the global dimension of European higher education                                                                                                                    | 15117/1/13 REV 1           |
| Council Conclusions on enhancing the social inclusion of young people not in employment, education or training                                                                              | 15770/13                   |
| Conclusions of the Council and of the representatives of the Governments of the Member States, meeting within the Council, on media freedom and pluralism in the digital environment        | 15774/13                   |
| Council Recommendation on promoting health-enhancing physical activity across sectors                                                                                                       | 15575/13                   |
| Council Conclusions on the contribution of sport to the EU economy, and in particular to addressing youth unemployment and social inclusion                                                 | 15757/13<br>15757/13 COR 1 |
| <b>Written procedure completed on 26 November 2013</b>                                                                                                                                      |                            |
| NON-LEGISLATIVE ACTS                                                                                                                                                                        |                            |
| ACT                                                                                                                                                                                         | DOCUMENT/ STATEMENTS       |
| Council Decision 2013/685/CFSP of 26 November 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran<br>OJ L 316, 27/11/2013, p. 46–49                           | 16163/13                   |
| Council Implementing Regulation (EU) No 1203/2013 of 26 November 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran<br>OJ L 316, 27/11/2013, p. 1–5 | 16164/13                   |