



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 20 October 2009 (27.10)
(OR. fr)**

**13644/09
ADD 1**

PV/CONS	48
COMPET	397
RECH	289

ADDENDUM to DRAFT MINUTES¹

Subject: **2963rd** meeting of the Council of the European Union (**COMPETITIVENESS (Internal Market/Industry/Research)**) held in Brussels on 24 and 25 September 2009

¹ The information from the Council minutes which is contained in this addendum is not confidential and may therefore be released to the public.

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Agenda items released to the public concerning the final adoption of Council acts

"A" items: (list: 13394/09 PTS A 40)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:

1. Council Regulation on the protection of animals at the time of killing

11272/2/09 REV 2 AGRILEG 115

- + REV 2 COR 1
- + REV 4 (sl)
- + REV 4 COR 1 (sl)
- + REV 5 (bg)
- + REV 6 (mt)
- + REV 7 (es)
- + REV 8 (fr)

The Council adopted the above Regulation, with the Estonian, Netherlands and Romanian delegations abstaining. (Legal basis: Article 37 of the Treaty establishing the European Community).

1. Statement by the Estonian, Latvian and Romanian delegations

"Estonia, Latvia and Romania welcome the animal welfare principles enforced by the draft legislation, which, when implemented, in addition to a significant increase in animal welfare, also give an impulse for the development of technologies implemented in the slaughter industry and harmonise competition conditions of the internal market.

Unfortunately, we cannot agree to the extension of implemented stunning methods to slaughtering for private domestic consumption. Uncontesting the general stunning principle of animals before slaughtering, we find that we are dealing with something that regulates in too many details a domain that does not influence the internal market, nor trade, which, without additional control mechanisms, creates administrative and also political problems in the implementation of the Regulation.

We find that according to the principle of subsidiarity, the more specific regulation of slaughtering for self-consumption should be left to the jurisdiction of a Member State.

We encourage the European Parliament, the European Commission and the Council to mobilise all possible efforts and resources to this effect."

2. Statement by the French and Spanish delegations

"France and Spain consider it essential that products imported satisfy requirements which are comparable if not identical with those imposed on Community products, in terms of both animal welfare and animal and plant health.

In particular, the importance accorded by European citizens to animal welfare, as evidenced by the Protocol on protection and welfare of animals annexed to the Treaty of Amsterdam, must not be set at nought by importing products produced in ways which do not comply with the criteria designed to meet their expectations.

Moreover, applying requirements to imports which are less strict than those applicable to European operators is likely to create unfavourable conditions of competition for them, as pointed out in the memorandum presented to the Agriculture Council on 23 June 2008." In this connection, France and Spain would draw the Commission's attention to the conclusions adopted by the Council on 18 December 2008 on the safety of imported agricultural and agri-food products and compliance with Community rules, in particular paragraphs 4.7 and 4.8.

France and Spain welcome the insertion of a clause on imports in this Regulation and invite the Commission to ensure that third-country establishments approved for exporting to the European Union meet all the specifications of Chapters II and III. They also consider that the attestation on animal welfare should apply to fresh meat as well as meat-based products and preparations."

16. Regulation of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (recast)

PE-CONS 3656/09 TRANS 202 CODEC 726

+ COR 1 (lv)

The Council approved the European Parliament's amendments to the common position. The above Regulation is therefore deemed to have been adopted in the form of the common position thus amended. (Legal basis: Article 71 of the Treaty establishing the European Community).

3. Unilateral Statement by the United Kingdom delegation

"Since the Commission's proposals were published in May 2007, it was commonly understood that the three Regulations to be adopted today would be negotiated as a package and would therefore have a common implementation date. The United Kingdom accepted the new cabotage rules on the basis that these would be balanced by new safety enforcement provisions in the Access to the Occupation Regulation (e.g. ability to report on hauliers who commit infringements in a host country to their home country so that appropriate action is taken against them). It was on this understanding that the UK signed up to Political Agreement reached at the Transport Council in June 2008.

The UK understands the desire of the European Parliament and some Member States to see early implementation of the cabotage rules in order to get legal clarity and have standardised conditions. The UK is, however, disappointed that implementation will not proceed on the basis that was originally agreed.

The United Kingdom supports the new Regulations and will therefore be voting in favour of them today, but sincerely hopes that in any future negotiations on a package of measures like the Road Transport proposals a reversal of agreed commitments in respect of common implementation dates given from the outset of the negotiations does not occur, in the way that happened here."

17. Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC
PE-CONS 3657/09 TRANS 203 CODEC 727

The Council approved the European Parliament's amendments to the common position. The above Regulation is therefore deemed to have been adopted in the form of the common position thus amended. (Legal basis: Article 71(1) of the Treaty establishing the European Community).

4. Unilateral Statement by the United Kingdom delegation

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18. Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast)

PE-CONS 3658/09 TRANS 204 CODEC 728

The Council approved the European Parliament amendments to the common position, with the Italian delegation abstaining and the Austrian delegation voting against. The above Regulation is therefore deemed to have been adopted in the form of the common position thus amended. (Legal basis: Article 71 of the Treaty establishing the European Community).

5. Unilateral Statement by the United Kingdom delegation

"Since the Commission's proposals were published in May 2007, it was commonly understood that the three Regulations to be adopted today would be negotiated as a package and would therefore have a common implementation date. The United Kingdom accepted the new cabotage rules on the basis that these would be balanced by new safety enforcement provisions in the Access to the Occupation Regulation (e.g. ability to report on hauliers who commit infringements in a host country to their home country so that appropriate action is taken against them). It was on this understanding that the UK signed up to Political Agreement reached at the Transport Council in June 2008.

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The United Kingdom supports the new Regulations and will therefore be voting in favour of them today, but sincerely hopes that in any future negotiations on a package of measures like the Road Transport proposals a reversal of agreed commitments in respect of common implementation dates given from the outset of the negotiations does not occur, in the way that happened here."

6. Commission statement

- "1. The Commission shall monitor closely the effectiveness of checks carried out by the Member States on the new cabotage regime and will include an assessment as to the effectiveness of these checks in the first report on the application of the social legislation and developments in road transport that it will submit to the European Parliament and Council (cf Article 17 of Regulation (EC) No 561/2006) following the entry into force of the provisions on cabotage.
2. Article 17(3) of the Regulation on common rules for access to the international road haulage market foresees that the Commission shall draw up a report on the state of the Community road transport market by the end of 2013, which will contain an assessment as to whether harmonisation of the rules in the fields, inter alia, of enforcement and road user charges, as well as social and safety legislation, has progressed to such an extent that the further opening of domestic road transport markets, including cabotage, could be envisaged.

If the assessment supports this conclusion, the Commission will submit appropriate proposals."

7. Statement by Italy

"Italy considers that the arrangements in the Regulation for road haulage cabotage include some unsatisfactory aspects:

- * the enacting terms and recital 15 governing operations on a temporary basis do not contain a provision to the effect that cabotage must not become a permanent, continual or systematic activity;

- * in Article 8, the provisions on evidence of proper performance of cabotage operations and the prohibition on requiring other documents to prove fulfilment of the operating conditions appear to be insufficient to prevent the risk of evasion of the restrictions on the performance of cabotage;
- * in Article 17 the date of 31 December 2013 for the Commission report containing an analysis of the transport market and an assessment of the level of harmonisation is too early.

Italy considers that account must be taken of the differences existing in the Community market resulting from the undeniably diverse objective conditions of the individual markets of the Member States, which have become particularly obvious following the enlargement of the Union.

Cabotage must therefore be regulated in such a way that that this practice is not used for anything other than its own function, which can only be temporary, as stated in the Treaty with regard to provision of services.

In view of the differences referred to above, it is necessary to allow sufficient time for the transport market to settle in order to achieve substantive integration and avoid adverse effects on individual national markets.

For the same reason, the Commission report should not be presented too soon, in order to ensure that the new rules on cabotage do not have inadequate operation and verification times, including as regards the deadlines set for their application."

19. Directive of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-related products

PE-CONS 3663/09 ENT 191 ENV 383 CODEC 758

+ COR 1 (fi)

+ COR 2

+ REV 1 (lt)

The Council approved the amendment set out in the European Parliament's opinion and adopted the proposed act thus amended. (Legal basis: Article 95 of the Treaty establishing the European Community).

8. Commission statement

"The Commission declares that adoption of the proposed extension of the Directive of the European Parliament and of the Council establishing a framework for the setting of eco design requirements for energy-related products will not affect the implementation of the work programme currently established.

Moreover, the Commission will take due account of the experience gained under the Directive when establishing the work programme and proposing new implementing measures under the recast Directive. In line with Article 15(2)(c) of the Directive and the principles of better regulation, the Commission will in particular strive to ensure that overall consistency in the EU legislation on products is maintained.

In addition, the Commission will, when assessing the appropriateness of extending the scope of the Directive to non energy related products according to Article 21, consider the need for adapting the methodology for identifying and addressing significant environmental parameters for such products."

20. Directive of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of passenger cars at service stations

PE-CONS 3669/09 ENV 394 ENER 197 IND 69 TRANS 221 CODEC 784

+ COR 1 (bg)

+ COR 2 (fi)

+ REV 1 (lt)

The Council approved the amendment set out in the European Parliament's opinion and adopted the proposed act thus amended. (Legal basis: Article 175(1) of the Treaty establishing the European Community).

9. Commission statement

"The Commission notes the concern of the European Parliament and of the Council in Article 8 to ensure, where necessary, consistency with relevant standards drawn up by the European Committee for Standardisation (CEN), and will examine it with due attention. It emphasises, however, that it reserves the right to respond to this concern, in accordance with the rules of the Treaty, and with due regard to the powers conferred on it for the implementation of that provision."

21. Directive of the European Parliament and of the Council amending Directive 2006/42/EC on machinery for pesticide application

PE-CONS 3662/09 ENT 118 ENV 382 AGRI 232 CODEC 757

The Council approved the amendment set out in the European Parliament's opinion and adopted the proposed act thus amended. (Legal basis: Article 95 of the Treaty establishing the European Community).

10. Commission statement

"To support the essential requirements included in Section 2.4 of Annex I, the Commission will mandate CEN to develop harmonised standards for each category of machinery for pesticide application based on the best available techniques for preventing

unintended exposure of the environment to pesticides. In particular, the mandate will require the standards to provide criteria and technical specifications for the fitting of mechanical shielding, tunnel spraying and air-assistance systems for spraying, for preventing contamination of the water source during filling and emptying and precise specifications for the manufacturer's instructions to prevent drift of pesticides, taking account of all of the relevant parameters such as nozzles, pressure, boom height, wind speed, air temperature and humidity and driving speed."

22. Directive of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides

PE-CONS 3607/09 CODIF 35 ENV 49 CODEC 94

- + COR 1 (fi)
- + COR 2 (fi)
- + COR 3 (da)
- + REV 1 (bg)
- + REV 2 (lv)
- + REV 3 (sl)
- + REV 3 COR 1 (sl)
- + REV 4 (cs)
- + REV 5 (el)
- + REV 6 (fr)

The Council approved the European Parliament's amendments to the common position, with the Irish and Polish delegations abstaining. The above Directive is thus deemed to have been adopted in the form of the common position as amended. (Legal basis: Article 175(1) of the Treaty establishing the European Community).

11. Commission statement

"The Commission notes that some Member States have made reference to the specific difficulties that the type of soil present in much of these Member States create for land based spraying, and that in certain climatic conditions this can render methods other than aerial spraying impractical."

12. Statement by Poland

"The Republic of Poland considers it very important to mitigate the adverse effects of pesticide use on the environment and human health and acknowledges the need for this matter to be regulated at Community level.

However, the Republic of Poland takes the view that Article 4 of the Directive, which imposes a duty to establish targets for limiting the quantity of pesticides containing potentially hazardous active substances which are used, fails to take account of differing circumstances in the Member States. Since it is therefore unable to give the Directive its full support, the Republic of Poland is abstaining.

Levels of pesticide use differ from one Member State to another, depending on weather conditions, types of plants and pests, and farmers' financial resources. The Directive obliges Member States to reduce pesticide use even where current levels are low. Implementing this requirement could significantly reduce yield and adversely affect the efficiency of agricultural production without having any significant effect on the level of protection of the environment or of human health.

The Republic of Poland takes the view that the risks associated with pesticide use will be significantly mitigated by implementation of the other requirements laid down in the Directive and the risk-assessment based procedure for pesticide approval defined in the Regulation on the placing of plant protection products on the market.

In addition, with regard to Article 9(2)(e) of the Directive, Poland assumes that detailed risk-management measures to prevent any adverse health effects on bystanders will be drawn up by the professional user applying for approval to carry out aerial spraying, attached to the relevant application, and subsequently included in the approval."

23. Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC

PE-CONS 3608/09 AGRILEG 12 ENV 50 CODEC 95

- + COR 1 (de)
- + COR 2 (da)
- + COR 3
- + COR 4 (fr)
- + REV 1 (et)
- + REV 1 COR 1 (et)
- + REV 2 (fi)
- + REV 2 COR 1 (fi)
- + REV 3 (sl)
- + REV 4 (lv)
- + REV 4 COR 1 (lv)
- + REV 6 (sl)
- + REV 7 (pt)
- + REV 8 (pl)
- + REV 9 (el)
- + REV 10 (cs)
- + REV 11 (lt)

The Council approved the European Parliament's amendments to the common position, with the Irish and Hungarian delegations abstaining and the United Kingdom delegation voting against. The above Regulation is therefore deemed to have been adopted in the form of the common position thus amended. (Legal basis: Articles 37(2), 95 and 152(4)(b) of the Treaty establishing the European Community).

13. Statement by Hungary

"Hungary acknowledges the importance of a harmonised and well balanced system of authorisation and placing on the market of plant protection products and recognises the constant need to raise consumer health standards. It therefore welcomes and supports the general aims of the new common draft legislation in connection with plant protection products.

Hungary acknowledges that mutual recognition is a useful instrument for ensuring that means of production such as plant protection products are made widely available in order to lay the foundations for safe cultivation. However, the zone system established by the regulation for mutual recognition ensures that the central and southern zone cannot be considered as an agro-ecological area in which the agricultural, plant-health, environmental, agro-ecological and climatic conditions in two Member States are comparable. In our opinion, the system of obligatory mutual recognition is not based on the principle of subsidiarity. The approved text – despite minor amendments in this direction – still does not contain sufficient guarantees that local particularities will really be taken into account in the course of the procedure.

Hungary acknowledges that there must be a more rigorous definition of the risk of very harmful effects on consumers from the use of endocrine disruptors.

In this connection, however, although the text of the proposal needs to be further developed with regard to the future establishment of endocrine criteria, we nevertheless believe that in their absence the planned measures will continue excessively to limit the number of plant protection products available to combat the pests affecting strategically important plants.

Hungary also emphasised the above concerns at the Agriculture and Fisheries Council meeting in June 2008, where it abstained from voting. Although the rotating Presidency, the Commission and the Member States made great efforts during discussions, they were unable to find a satisfactory solution for resolving the doubts expressed. Hungary therefore once again abstains from voting on the proposal concerning the placing of plant protection products on the market."

14. Statement by the United Kingdom

"The United Kingdom supports a scientifically-based framework that further reduces risks to human health and the environment, whilst supporting economic crop production and control of pests, weeds and diseases. The UK therefore welcomes much of the new Regulation, which strikes a reasonable balance between these priorities in many respects.

The UK agrees that the use in plant protection products of substances which have endocrine disrupting properties that may cause adverse effect in humans should be appropriately controlled. The UK notes, however, that consumers are exposed to endocrine disrupting substances from various sources, including pharmaceuticals and foodstuffs such as meat and pulses. Moreover, some substances which may fail this criterion are crucial to crop protection in the UK and, we believe, elsewhere in the European Union.

The UK is concerned that this important provision is not definitive and consequently that no proper assessment of its potential impact on agriculture in the European Union, or of its benefits for consumers, is possible. The UK has repeatedly stressed the importance of understanding the impact of these measures before it could commit itself to the Regulation. Without this understanding, the EU risks taking measures which would have significant adverse impacts on crop protection but secure no significant health benefits for consumers.

The UK stressed these concerns at the June 2008 Agriculture and Fisheries Council, when abstaining from the vote on political agreement, and notes with regret that they remain unaddressed. The UK therefore votes against the Regulation."

15. Commission statement

"When revising the data requirements for active substances and plant protection products, as referred to in Article 8(1)(b) and (c), the Commission will pay particular attention to study protocols allowing a risk assessment which takes into account the real exposure of bees to these products, in particular through nectar and pollen."

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