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Main results of the Council

Migratory pressures (trends and outlook)

The Council and the mixed committee (the EU plus Norway, Iceland, Liechtenstein and Switzerland) took note of the information provided by the Commission and the agencies on the latest developments and trends concerning migratory flows towards Europe.

The Council agreed to follow these developments closely. It also invited the Commission and the agencies to continue monitoring the situation closely and to inform the Council as regards new developments and trends.

Task Force Mediterranean

The Council and the mixed committee welcomed the progress achieved so far in the five key areas listed in the Commission communication on the work carried out by the Task Force for the Mediterranean and invited all relevant stakeholders to continue to actively participate in the implementation of the operational actions. It also invited the Commission to present a comprehensive report of the activities carried out at the JHA Council in June.

EUROPOL Regulation

The Council had a policy debate on the proposal for a regulation on the European Agency for Law Enforcement Cooperation and Training (Europol). Given that a very large majority of delegations oppose the merger of Europol and CEPOL (European Police College) proposed by the Commission, the draft Europol regulation will be modified accordingly.

Member states agreed on the need to update the existing CEPOL decision in the light of the Treaties post-Lisbon and invited the Commission to present a legislative proposal on the new legal basis for CEPOL as soon as possible.

Other business

The Council was informed by the Presidency about the agreements reached with the European Parliament on a number of legislative proposals, including:

- the regulation establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).*
- the directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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Lord Advocate

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Ms Viviane REDING

Vice President

Ms Cecilia MALMSTRÖM

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ITEMS DEBATED

HOME AFFAIRS

Europol

The Council was informed about the state of play on the proposal for a regulation on the European Agency for Law Enforcement Cooperation and Training (Europol) ([8229/13](#)). One of the aims of the Commission's proposal was for Europol to take over and build on the tasks currently carried out by CEPOL (European Police College), creating a single European law enforcement agency and repealing the existing decisions on Europol¹ and CEPOL².

Given that a very large majority of delegations oppose to the merger of Europol and CEPOL, all the provisions linked to this idea will be removed from the draft Europol regulation.

The Council also held an orientation debate on the future of CEPOL. Member states agreed on the need to update the existing decision in the light of the Treaties post-Lisbon and invited the Commission to present a legislative proposal on the new legal basis for CEPOL as soon as possible.

Migratory pressures: trends and outlook

The Council took note of the information provided by the Commission, the EEAS, FRONTEX and EASO on the latest developments and trends concerning the migratory flows towards Europe.

The Council agreed to follow these developments closely and invited its preparatory bodies to keep the situation under constant review. It also invited the Commission and the Agencies to continue monitoring the situation closely and to inform the Council as regards new developments and trends of illegal immigration to the EU.

Task Force Mediterranean

The Council took note of the report of the Commission in relation to the implementation of the communication which resulted from the work carried out by the Task Force for the Mediterranean and welcomed the progress achieved so far in the five key areas listed in the Commission communication.

¹ Decision 2009/371/JHA. ([OJ L 121, 15/05/2009, p. 37](#))

² Decision 2005/681/JHA. ([OJ L 256, 1/10/2005, p. 63](#))

The Council invited all relevant stakeholders to continue to actively participate in the implementation of the operational actions outlined in the communication. It also invited the Commission to continue to inform its preparatory bodies on the progress achieved in this field and to present a comprehensive report of the activities carried out at the JHA Council in June.

The Task Force Mediterranean was set up following the JHA Council of 7-8 October 2013 in order to identify the tools which the EU has at its disposal and which could be used in a more effective way to avoid the tragic events that had occurred off the coast of Lampedusa.

At its meeting on 24-25 October, the European Council agreed to take the appropriate measures in order to prevent and avoid such tragedies happening again, based on the imperative of prevention and protection and guided by the principle of solidarity and fair sharing of responsibility.

The European Council invited the Task Force Mediterranean, lead by the Commission and involving member states, the EEAS and a number of EU Agencies, to identify priority actions for a more efficient short-term use of European policies and tools.

On 4 December 2013 the Council had a discussion on the communication of the Commission on the work of the Task Force Mediterranean ([17398/13](#)) and welcomed the set of actions contained in the document.

The task force identified five main areas of action which will be pursued actively during the coming months:

- Actions in cooperation with third countries.
- Regional protection, resettlement and reinforced legal avenues to Europe.
- Fight against trafficking, smuggling and organised crime.
- Reinforced border surveillance contributing to enhancing the maritime situational picture and to the protection and saving of lives of migrants in the Mediterranean.
- Assistance and solidarity with member states dealing with high migration pressure.

The Presidency reported to the European Council on 20 December on this matter. In its [conclusions](#), the European Council welcomed the Commission communication and called for the mobilisation of all efforts in order to implement actions proposed in the communication with a clear timeframe to be indicated by the Commission.

It was considered that increased engagement with third countries in order to avoid that migrants embark on hazardous journeys towards the EU should be a priority. Information campaigns, regional protection programmes, mobility partnerships and an effective return policy were also considered important components of this comprehensive approach.

The European Council reiterated the importance it attaches to resettlement for persons in need of protection and to contributing to global efforts in this field. It also called for the reinforcement of FRONTEX border surveillance operations and actions to fight smuggling and human trafficking, as well as to ensure that appropriate solidarity is shown to all Member States under high migration pressure.

The European Council invited also the Council to regularly monitor the implementation of the actions and indicated that it will return to the issue of asylum and migration in June 2014 in a broader and longer term policy perspective, when strategic guidelines for further legislative and operational planning in the area of freedom, security and justice will be defined ("post-Stockholm"). Ahead of that meeting the Commission is invited to report to the Council on the implementation of the actions set out in its communication.

Future development of the JHA Area

Home Affairs ministers heard a presentation by the Commission on the main aspects of its forthcoming communication on the future development of the Justice and Home Affairs area and expressed their opinions and priorities. The Presidency concluded that it will reflect on how to bring things further in view of the JHA Council in June.

In December 2009, the European Council adopted the [Stockholm Programme](#), a multi-annual instrument for the development of an area of freedom, security and justice for the years 2010-2014.

Since the Lisbon Treaty introduced major changes in the freedom, security and justice area, future developments on this field should be discussed in the light of Article 68 TFUE which provides that the European Council "shall define the strategic guidelines for legislative and operational planning" in this regard.

The European Council in its 27-28 June 2013 conclusions mandated the future Presidencies to start discussions on the future strategic guidelines in the area of freedom, security and justice with a view to its June 2014 meeting. The Lithuanian Presidency, being the first to take office after the conclusions were adopted, started this discussion by holding a ministerial debate on 18-19 July 2013 at the informal ministerial meeting in Vilnius. The Greek Presidency continued this debate at the informal ministerial meeting in Athens on 23-24 January.

Other business

Under other business, the Council was informed about the agreement reached with the European Parliament on the directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

The text agreed is currently being reviewed by the lawyer-linguists of the European Parliament and of the Council. Once that review has been finalised the European Parliament will adopt the text as its position at first reading, if possible at the plenary in April. The Justice and Home Affairs Council will then be in a position to adopt the regulation at its meeting in June.

The proposed directive is a proposal of major importance in the framework of the European policy on legal migration aimed at creating an EU's wide scheme for attracting highly-qualified managers, specialists and trainee employees in the framework of transfers from an undertaking outside the EU to an entity of that undertaking established in a member state.

Moreover, the Council was informed by the Presidency about the state of play of the directive on the conditions of entry and residency of third-country nationals for the purpose of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing.

The aim of this proposal is to improve the legal framework applicable to non-EU nationals willing to come and temporarily stay in the EU for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing.

This proposal was presented in March 2013 and several rounds of discussions have already taken place, in particular on the compromise suggestions presented by the Lithuanian and Greek presidencies. A substantive number of important issues are still outstanding including, in particular, the categories of third-country nationals to be included in its scope and the mobility scheme.

MIXED COMMITTEE

Data protection directive

The committee was briefed by the Presidency on the state of play ([6799/14](#)) of the proposal for a directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

This proposal is part of the comprehensive data protection package which was adopted by the Commission on 25 January 2012. The package comprises two legislative proposals, one for a General Data Protection Regulation ([5853/12](#)), which is intended to replace the 1995 Data Protection Directive¹ (former first pillar), and one for a directive ([5833/12](#)) on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, which is intended to replace the 2008 Data Protection Framework Decision² (DFPD) (former third pillar).

The proposed directive aims to ensure a consistent and high level of data protection in this field, enhancing mutual trust between police and judicial authorities of different member states and facilitating the free flow of data and co-operation between police and judicial authorities. The European Parliament is for the first time co-legislator with respect to the areas covered by this Directive.

Migratory pressures: trends and outlook

The committee was briefed by the Commission, the EEAS, FRONTEX and EASO on the latest developments and trends concerning the migratory flows towards Europe.

For more information see item above

Task Force Mediterranean

The committee was briefed by the Commission about the implementation of the communication which resulted from the work carried out by the Task Force for the Mediterranean and welcomed the progress achieved so far in the five key areas listed in the Commission communication.

For more information see item above

¹ Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23/11/1995](#))

² Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([OJ L 350, 30/12/2008, p. 60](#))

Other business

Under other business, the committee was informed about the agreements reached with the European Parliament on a number of legislative proposals, including:

- the decision introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period;

This decision will make possible for Bulgaria, Croatia, Cyprus and Romania to recognise Schengen visas for the purpose of transit or short stay in their territories.

On 27 February, the European Parliament voted in plenary on a provisional version of the text (no legal and linguistic revision) and is likely to vote a corrigendum during its April II session, which will make it possible for the Council to adopt it formally and signed by the two co-legislators before the May 2014 elections.

- the regulation amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (amendment to Annexes);

The agreement was reached at the beginning of February and it implies the transfer of 19 third countries (16 Caribbean countries, Colombia, Peru and the United Arab Emirates) from the negative list to the positive list, providing visa liberalisation for these countries regarding short stay Schengen visas. However, visa liberalisation will not apply straight away, as visa waiver agreements need to be negotiated with each of these countries first. As regard Colombia and Peru, the Commission will carry out an assessment of these countries in advance of such negotiations.

On 27 February, the European Parliament voted in plenary on a provisional version of the text (no legal and linguistic revision) and is likely to vote a corrigendum during its April II session, which will make it possible for the Council to adopt it formally and signed by the two co-legislators before the May 2014 elections.

For more information see press release ([6143/14](#))

- the regulation amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Moldova)

This agreement provides for granting visa liberalisation to Moldova. The European Parliament adopted the text on 27 February, so that it now can be adopted also formally by the Council and signed very soon.

- the regulation establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the

Management of Operational Cooperation at the External Borders of the Member States of the European Union;

The regulation provides member states participating in FRONTEX operations with clearer, updated and binding rules to be applied in the course of these operations. This will result in greater effectiveness and legal certainty in operations at the external sea borders.

This regulation is one of the actions contained in the communication of the Commission on the work of the Task Force Mediterranean and it will be one of the key tools which the EU has at its disposal to improve the surveillance of the external sea borders and to contribute to preventing, for example, tragedies at sea such as the recent ones in the Southern Mediterranean.

It is expected that the formal adoption of the Regulation will take place in April 2014.

For more information see press release ([6463/14](#)).

The Presidency also informed the committee about the state of play of the Smart Borders Package.

Moreover, the Commission informed the committee about the implementation of the financial programmes 2014-2020 for Home Affairs.

Finally, the committee took note of the information provided by the Swiss delegation on the outcome of the constitutional referendum entitled "Against mass immigration" held on 9 February 2014.

* * *

In the margins of the Council

A [joint declaration](#) establishing a mobility partnership between Tunisia and the European Union and its member states (Belgium, Denmark, Germany, Spain, France, Italy, Poland, Portugal, Sweden and the United Kingdom) was signed in the margins of the Council

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

CEPOL's evaluation report

The Council took note of the report on the implementation of CEPOL (European Police College) Governing Board's recommendations, on the basis of the five year evaluation of the activities carried out by CEPOL([16694/13](#)), as required by decision 2005/681/JHA¹.

GENERAL AFFAIRS

Equivalence of security rules for protecting classified information

The Council decided that equivalence has been reached between the basic principles and minimum standards for protecting classified information in the European Parliament's and in the Council's security rules ([6716/14](#)).

The determination of equivalence is a pre-condition for the Council to provide classified information to the European Parliament, pursuant to the interinstitutional agreement between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of common foreign and security policy. The interinstitutional agreement enters into force once it has been signed by the Presidents of the Council and the European Parliament.

COMMON SECURITY AND DEFENCE POLICY

Ratification of the Arms Trade Treaty

The Council adopted a decision authorising member states to ratify, in the interests of the European Union, the Arms Trade Treaty adopted by the UN General Assembly on 2 April 2013, with respect to those matters falling under the exclusive competence of the Union.

¹ Decision establishing the European Police College (*OJ L 256, 1.10.2005*)

ECONOMIC AND FINANCIAL AFFAIRS

Deposit guarantee schemes

The Council adopted its position at first reading on a draft directive aimed at further harmonising EU rules on deposit guarantee schemes (DGSs) and enhancing depositor protection ([6707/14](#) + [5199/14](#) + [ADD 1](#)).

For details see [7152/14](#).

TRADE POLICY

Dual use items

The Council adopted its position at first reading on a draft regulation aimed at enabling the adoption of delegated acts for the purpose of updating certain annexes of regulation 428/2009 on the control of exports, the transfer, brokering and transfer of dual use items ([18086/13](#) + [ADD 1](#) + [6700/14](#)).

This follows an agreement reached with the European Parliament on 17 December. The Parliament will now be able to adopt the text without further amendment at second reading.

INTERNAL MARKET

Motor vehicles - International harmonised requirements

The Council adopted a decision on the EU's position, to be taken within the United Nations Economic Commission for Europe (UNECE), with a view to adapting to technical progress a number of UNECE regulations, as well as the draft global technical regulations on light-duty vehicle test procedures and on tyres ([6796/14](#)).

The UNECE develops international harmonised requirements intended to remove technical barriers to the trade in motor vehicles.

FISHERIES

Incidental catches of cetaceans in fisheries - Alignment on the Lisbon Treaty

The Council adopted its position at first reading on a proposal for an amendment to regulation 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries ([6103/14](#)).

The proposal seeks to align regulation 812/2004 with the provisions of the Treaty on the Functioning of the EU which makes a distinction between the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act as laid down in article 290(1) of the Treaty (delegated acts), and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in Article 291(2) of the Treaty (implementing acts).

Through this proposal, delegated acts would cover the adaptation of conditions and technical specifications for the use of acoustic deterrent devices and implementing acts would cover procedure and format for reporting obligations for member states.

The European Parliament adopted its position at first reading in April last year. An agreement between the Council and the European Parliament was reached at a trilogue held on 30 January 2014. The Council's position at first reading is in line with the above-mentioned agreed text, as amended to reflect the subsequent legal and linguistic revision. The vote in plenary of the European Parliament is expected later in the year followed by Council adoption of the agreement in first reading.

FOOD LAW

Food additive

The Council decided not to oppose the adoption of a regulation authorising ethyl lauroyl arginate as a preservative in heat-treated meat products in order to improve the microbiological quality of those food products, including inhibiting the growth of harmful micro-organisms such as *Listeria monocytogenes* and to assign number E 243 to that food additive ([6170/14](#)).

The Commission regulation is subject to the so called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

TRANSPORT

Civil aviation aircrew - requirements and procedures

The Council decided not to oppose adoption by the Commission of a regulation amending regulation 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew ([5075/14](#) + [ADD 1](#)).

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

Connecting Europe Facility - transport funding priorities

The Council decided not to object to the Commission regulation amending Annex I to regulation 1316/2013 establishing the Connecting Europe Facility ([5162/14](#) + [ADD 1](#)).

The delegated regulation details transport funding priorities for the purpose of the multiannual and annual work programmes.

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the act can enter into force, unless the European Parliament objects to it.
