



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 11 June 2014
(OR. en)**

10091/14

CRS/CRP 21

SUMMARY RECORD

Subject: 2498th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 20, 21 and 23 May 2014

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1. Adoption of the provisional agenda and "I" items

doc. 10052/14 OJ/CRP1 19

9907/1/14 REV 1 OJ/CRP2 19

The above-mentioned agendas are approved with the following changes :

The following item is **added** :

(Coreper Part 2, under II)

5. Preparation of the Council meeting (Justice and Home Affairs) on 5/6 June 2014

j) Council conclusions on the EU Anti-corruption report

- Exchange of views and Adoption

9969/14 JAI 333 CATS 75 DROIPEN 73 GENVAL 32

The following items are **withdrawn** :

(Coreper Part 2, under I)

14. (poss.) Relations with Georgia and the Republic of Moldova

9649/14 COEST 164

- **Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part**

9154/14 COEST 145 PESC 426 JAI 252 WTO 150

- **Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part**

9155/14 COEST 146 PESC 427 JAI 253 WTO 151

+ COR 1

(Coreper Part 2, under II)

3. Proposal for a Council Decision modifying the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of European Union aid under the multi-annual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of the financial assistance for the Overseas Countries and Territories to which part Four of the Treaty on the Functioning of the EU applies

- **Determination of the contribution of Croatia**

10009/14 ACP 90 FIN 369 PTOM 24 RELEX 429 DEVGEN 136

The Committee approved the "I" items as set out in the summary. Details are contained in the document quoted under item 1.

Coreper Part 2

II

2. Follow-up to the Council meeting (Foreign Affairs/Development) on 19 May 2014

The Committee took note of the follow-up note circulated by the EEAS.

In connection to the severe floods in Bosnia-Herzegovina, Croatia and Serbia, three delegations requested that the Commission examine the possibility, in cases where Member States, candidate countries as well as bordering non-candidate third countries are affected by natural disasters, to allow for exceptional use of the EU Solidarity Fund also to third countries. Commission noted the request and would revert as appropriate.

4. Draft Council Decision on the arrangements for the implementation by the Union of the Solidarity Clause

– Outstanding issues

9937/14 CAB 17 POLGEN 69 IPCR 9 JAI 329 COSI 42 PROCIV 45
ENFOPOL 136 COPS 122 CSDP/PSDC 304 PESC 516 COTER 33 COCON 15
COHAFA 54

The Committee agreed on the Presidency compromise proposal on the arrangements for the implementation by the Union of the Solidarity Clause (doc. 9937/14) as amended during its discussion, and in particular on the issues regarding the geographical scope, the invocation process, and the response, with a view to adoption by the General Affairs Council on 24 June 2014.

- Article 4(2) was amended as follows:

"The political authorities of the Member State affected shall address their invocation to the Presidency of the Council of the European Union. The invocation shall also be addressed to the President of the European Commission through the ERCC."

- Article 4(3) was deleted.

- Article 5(6) was amended as follows:

"Upon invocation of the Clause, the Emergency Response Coordination Centre shall act as the central 24/7 contact point at Union level with Member States' competent authorities and other stakeholders, without prejudice to existing responsibilities within the Commission and the High Representative and to existing information networks. The ERCC will facilitate the production of the integrated situational awareness and analysis (ISAA) reports, in collaboration with the EU Situation Room and other EU crisis centres in accordance with Article 7 of this decision."

The Committee extended the mandate of the Friends of the Presidency Group until end of December 2014 to continue working on the implementation of the decision and on the IPCR arrangements (including possible exercises and other preparedness measures).

5. Preparation of the Council meeting (Justice and Home Affairs) on 5/6 June 2014

a) Application of Article 10 of Protocol 36 - Work of the Friends of Presidency Group

- **Report on the state of play and the way forward**
9929/14 PROAPP 6 JAI 326 CATS 72 SCHENGEN 11
9868/14 PROAPP 4 JAI 313 CATS 70 SCHENGEN 8 COMIX 264

The Committee welcomed the report on the state of play and noted that this would be an information item at the Council.

b) Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings (First reading)

- **General approach**
9547/14 DROIPEN 67 COPEN 141 CODEC 1214

The Presidency noted that the file was ready for a General approach. Certain reservations were maintained.

c) Proposal for a Regulation of the European Parliament and of the Council on the European Agency for Criminal Justice Cooperation (Eurojust) (First reading)

- **Orientation debate**
9486/14 EUROJUST 90 EPPO 23 CATS 65 COPEN 137 CODEC 1209

The Commission, whilst acknowledging that there were some positive elements in the text in the Annex, had concerns that it did not conform with the Common Approach on Decentralised agencies. Some delegations had concerns about the wording of the question posed to Ministers.

The Committee agreed to forward the document 9486/1/14 to Ministers for orientation debate at the Council.

d) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings (First reading)

- General Approach¹

9776/14 JUSTCIV 125 EJUSTICE 49 CODEC 1274
+ ADD 1

The outcome of the discussions is set out in 10144/14.

e) Council conclusions on the Commission 2013 report on the application of the EU Charter of Fundamental Rights and the consistency between the internal and the external aspects of human rights' protection and promotion in the European Union

9897/14 FREMP 94 JAI 321 POLGEN 68 ASILE 14 COHOM 82 COPEN 152
CULT 81 DATAPROTECT 73 DROIPEN 72 ECOFIN 484 INF 197
JUSTCIV 126 MI 429 SOC 362 VISA 126

The Committee agreed that the draft Council conclusions on the Commission 2013 report on the application of the EU Charter of Fundamental Rights and the consistency between internal and external aspects of human rights' protection and promotion in the European Union would be submitted to the JHA Council on 5-6 June 2014 for adoption.

f) Other items in connection with the Council meeting

The Committee took note of the information from the Presidency regarding the following items:

- Terrorism
 - Foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria
 - The adoption of the Revised EU Strategy for Combating Radicalisation and recruitment to Terrorism
- Proposal for a Recast of the Students' and Researchers' Directives
- Data Retention Directive
- Council conclusions on the EU Anti-corruption Report
- Fundamental Rights Agency Annual Report
- European Drug Report 2014
- The adoption of the Multiannual European e-Justice Action Plan 2014-2018

¹ When adopting a General approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU.

- Seminar "How can EU Member States combat hate crimes effectively?" (Thessaloniki, 28-29 April 2014)
 - European Roma Summit (Brussels, 4 April 2014)
- g) Future Development of the area of freedom, security and justice**
 9531/14 JAI 286 JAIEX 34 JUSTCIV 120 CATS 66 DROIPEN 65
 COPEN 139 COSI 38 ASIM 40 MIGR 65 VISA 117 FRONT 94 ENFOPOL 126
 PROCIV 40 DAPIX 61 CRIMORG 40 EUROJUST 92 GENVAL 28 EJUSTICE
 45 ENFOCUSTOM 60 FREMP 81

The Presidency informed delegations of the procedural way forward with this dossier and presented Presidency's paper (doc. 9531/14) on the future development of the area of Freedom, Security and Justice, which was prepared with the aim to facilitate the debate in the JHA Council on 5-6 June 2014. Delegations presented a number of comments on this paper, which the Presidency would reflect upon in view of the JHA Council on 5-6 June 2014.

h) Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office

- **Orientation debate/State of play**
 9834/14 EPPO 24 EUROJUST 97 CATS 69 FIN 361 COPEN 150 GAF 28

The Committee briefly discussed the Presidency note, which was broadly welcomed by delegations.

The Chair clarified at the outset of the debate that the questions outlined in the note are addressed to Ministers rather than to the Committee, and that the Presidency is not looking for formal endorsement of the text in annex. 15 delegations took the floor, mainly to make minor suggestions on the formulation of the questions to ministers. The Presidency will take these suggestions into account and issue a revised note to the Council. The Commission and some delegations (AT, BE, BG, LU) regretted the content of the Annex to the note, arguing that the current text will not ensure the efficiency and the independence of the Office.

- i) **Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (First reading)**
- **Partial general approach¹ on Chapter V**
 - **Orientation debate on one-stop-shop mechanism**
- 9865/14 DATAPROTECT 71 JAI 312 MI 425 DRS 68 DAPIX 64
FREMP 90 COMIX 263 CODEC 1294

An important number of delegations indicated that they would be able to support a partial general approach on Chapter V on the understanding that the caveats referred to in the Presidency note applied.

Regarding the three questions set out in the Presidency note, it was concluded that JHA Counsellors would try to further fine-tune the proposed solutions and that the Committee would revert to the issue at its session of 28 May 2014.

- j) **Council conclusions on the EU Anti-corruption report**
- **Exchange of views and Adoption**
- 9969/14 JAI 333 CATS 75 DROIPEN 73 GENVAL 32

The Romanian delegation indicated that they would submit the following statement to the minutes of the Committee :

"It is Romania's understanding that the EU Anti-corruption Report aims at promoting high anti-corruption standards across the EU, based on a comprehensive approach as well as on principles such as equal treatment, non-discrimination and cooperation between the Union and the Member States.

Furthermore, in line with the Commission's Communication on Fighting corruption in the EU issued in June 2011, Romania considers that the EU Anti-corruption Report, applicable equally to all EU Member States, will further provide a clearer overview of the existence and effectiveness of anti-corruption efforts in the EU and provide grounds for future EU policy actions.

Romania also appreciates the added value of this report in ensuring an inclusive approach on anti-corruption efforts, which is also relevant from the perspective of the existing instruments applicable in this area."

Coreper Part 1

II

33. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 26 May 2014

- **Euro-Mediterranean Science and Technology and Innovation renewed partnership (*Non-legislative activity*)**
 - **Policy debate**
9599/14 RECH 184 MED 33

The Committee took note of the discussion paper as set out in 9599/14 and decided to put it forward to the Council.

34. International Labour Conference

- a) **Proposal for a Council Decision on the position to be adopted on behalf of the European Union at the 103rd session of the International Labour Conference concerning a Recommendation to supplement the Forced Labour Convention No 29, 1930, of the International Labour Organisation**
- b) **Recommendation for a Council Decision authorising the opening of negotiations and negotiating directives at the 103rd session of the International Labour Conference on a Protocol to supplement the Forced Labour Convention No 29, 1930, of the International Labour Organisation**
 - **Preparation for adoption**

9984/14 SOC 378 EMPL 80 MIGR 89 JAI 340	RESTREINT EU
9977/14 SOC 372 EMPL 74 MIGR 83 JAI 334	RESTREINT EU
+ ADD 1	RESTREINT EU
9978/14 SOC 373 EMPL 75 MIGR 84 JAI 335	RESTREINT EU
+ ADD 1	RESTREINT EU
9979/14 SOC 374 EMPL 76 MIGR 85 JAI 336	RESTREINT EU
+ ADD 1	RESTREINT EU
9980/14 SOC 375 EMPL 77 MIGR 86 JAI 337	
9981/14 SOC 376 EMPL 78 MIGR 87 JAI 338	
9982/14 SOC 377 EMPL 79 MIGR 88 JAI 339	

The Committee confirmed that there was a large blocking minority against the adoption of the Council Decisions on the basis of the Commission proposal and recommendation, set out in 8994/14 + ADD 1 and 8988/14, and decided not to pursue the matters further.

A number of delegations called for pursuing the discussion on the representation in international organisations in the post-Lisbon period at a political level. They considered this issue of horizontal nature of great political sensitivity, which has an impact on decisions to be taken by Council preparatory bodies in other areas.

The Commission requested the following oral statement to the minutes of the Committee:

"The Commission recalls the obligation of sincere cooperation between Member States and the Commission in all circumstances.

The absence of these decisions will lead to a situation which is not in compliance with the Treaties as Member States are legally not free to make legal commitments on issues of Union competence in international negotiations without the framework of Union decisions. The Commission will assess the appropriate measures to take in this regard.

The Commission recalls the need to respect Union competences, to avoid any incompatibility between the Union *acquis* and the ILO instruments to be negotiated and for Member States to act in the interests of the EU at the ILO."

35. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 5 and 6 June 2014

1. Fourth railway package (First reading) (*Legislative deliberation*)

- (a) Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004**
9767/14 TRANS 265 CODEC 1269
- (b) Proposal for a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast)**
9768/14 TRANS 266 CODEC 1270
- (c) Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast)**
9766/14 TRANS 264 CODEC 1268
- **Political agreement**

The Committee agreed to forward the texts to the Council inviting it to reach a political agreement on these files.

2. Proposal for a Directive of the European Parliament and of the Council amending Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (First reading) (*Legislative deliberation*)

- **Political agreement**
9291/14 TRANS 242 CODEC 1177

The Committee agreed to forward the text in its current state to the Council, inviting it to address the only outstanding issue in order to reach a political agreement on this file.

3. Proposal for a Regulation of the European Parliament and of the Council on market access to port services and financial transparency of ports (First reading) (*Legislative deliberation*)

- **Progress report**
9771/14 TRANS 268 MAR 90 FIN 353 CODEC 1271

The Committee took note of the Presidency progress report and agreed to submit it to the Council (Transport, Telecommunications and Energy) on 5 June 2014.

4. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (First reading) (*Legislative deliberation*)

- **Progress report**
9820/14 AVIATION 112 CONSOM 115 CODEC 1288

The Committee took note of the progress report on the proposal for the revision of the Regulation on air passenger rights, and agreed to submit it to the Council (Transport, Telecommunications and Energy) on 5 June 2014.

5. Draft Council conclusions on the "Mid-Term Review of the EU's Maritime Transport Policy until 2018 and Outlook to 2020" (*Non-legislative activity*)

- **Adoption**
9808/14 MAR 92 TRANS 271

The Committee examined and endorsed the draft Council conclusions and agreed to submit them for adoption to the Council (Transport, Telecommunications and Energy) on 5 June 2014.

36. Setting of the provisional agenda for the Council meeting (Environment) on 12 June 2014

The Committee approved the provisional agenda as set out in 10460/14.

37. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 13 June 2014

1. Setting of the provisional agenda

The Committee agreed on the provisional agenda.

2. Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (*Legislative deliberation*)

– Political agreement

9659/14 ENER 181 ENV 439 CLIMA 47 ENT 120 TRANS 259
AGRI 347 POLGEN 62 CODEC 1242

The Committee examined the Presidency's compromise text set out in 9659/14 and made some progress in agreeing to reflect, in recitals, the indicative nature of targets for advanced biofuels, to extend reporting requirements on national targets and to retain a Finnish proposal on biofuels made from feedstocks not listed in Annex IX. At the same time several delegations recalled their lack of flexibility concerning the 7 % threshold for 1st-generation biofuels as well as their wish to see the indicative nature of targets for advanced biofuels reflected in the operative part of the Directives as well. The Committee will return to the file on 28 May 2014.

– Any other business

- = CZ requested an AOB at a later meeting (CRP1) to discuss upcoming Commission Communication on REFIT and Impact assessment within the Council.
- = Presidency informed delegations (CRP2) that it intended to sign the EASO related arrangements with Switzerland.
- = Delegations (CRP2) were informed of the intentions of the President of the European Council regarding the content of the discussions and handling at the Informal dinner of Heads of State or Government on 27 May 2014.