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European Union

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SUMMARY RECORD

Subject: 2548th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 29 and 30 June 2015

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

doc. 10340/15 OJ/CRP1 25

10341/15 OJ/CRP2 25

The above-mentioned agendas are approved.

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

DE made statements on the following items:

2. **Council Decision determining the composition of the European Economic and Social Committee**
= **Adoption**
9753/15 CES 22 INST 196 AG 20
9754/15 CES 23 INST 197 AG 21

"Germany supports the agreement concerning the Council's decision, determining the composition of the Economic and Social Committee. Germany however recalls that the current allocation of the number of seats per Member State is not fully satisfactory, particularly given the demographic criterion explicitly provided for by Article 300(5) of the TFEU. Accordingly, Germany would like to emphasize that meticulous examination of this issue will need to take place ahead of the Committee's renewal in 2020, so as to better take into account the criteria set by the treaties and particularly that of demographic developments. Lastly, it is important to recall that this decision concerns only the Economic and Social Committee and cannot set a precedent for other EU institutions."

* * * * *

12. **Draft Council Decision on the financial contributions to be paid by Member States to finance the European Development Fund in 2015, including the second instalment for 2015**
= **Decision to use the written procedure for its adoption**
10258/15 ACP 97 FIN 456 PTOM 14
10257/15 ACP 96 FIN 455 PTOM 13

"Germany would like to emphasize - again - that it finds it unacceptable that no use is to be made of an amount of funding (200 million euros) for development cooperation (ODA). At the present time in particular, this is sending a bad and counterproductive signal in political terms and in terms of taking account of priority needs. We have voiced this view in clear terms in the relevant working groups and all the way to the top leadership level of the Commission.

Particularly in view of the current huge challenges when it comes to dealing with the refugee crisis, and in view of the latest decisions of the European Council (25 and 26 June) on migration among other things, we simply cannot accept the fact that the Commission is unable to identify suitable projects and investments for the said amount for the year 2015. Moreover, it is our view that there is room for improvement with regard to the Commission's financial management."

Coreper Part 2

II

13. Follow-up to the Council meeting (General Affairs) on 23 June 2015

The Committee took note of the key outcomes of the June GAC, on the basis of a follow-up note prepared by the Presidency.

14. Follow-up to the European Council (Brussels, 25/26 June 2015)

The Committee took note of the intended follow-up to the orientations set out by the June EC.

15. **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (First reading)**
= **Final compromise with a view to a first reading agreement**
10309/15 JUSTCIV 158 EJUSTICE 86 CODEC 938

The Committee:

- approved the final compromise text as set out in 10309/15;
- mandated the Chair to inform the European Parliament by letter about the agreement reached and preparing for a first reading agreement, and
- took note of a parliamentary scrutiny reservation by Germany and the United Kingdom.

16. **Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for Law Enforcement Training (Cepol), repealing and replacing the Council Decision 2005/681/JHA (First reading)**
= **Analysis of the final compromise text with a view to agreement**
10301/15 ENFOPOL 178 CODEC 936

The Committee reached an agreement on the compromise text proposed by the Presidency in relation to the draft CEPOL Regulation, revised on the basis of the outcome of the Committee's meeting of 12 June 2015 and further informal consultations with the European Parliament, and agreed to send the formal letter to the European Parliament confirming this agreement. The Commission indicated that it continues to have horizontal institutional concerns in relation to the compromise text and would request unanimity during the adoption of the Regulation by the Council.

17. Follow-up to the Council meeting (Economic and Financial Affairs) on 19 June 2015

The Committee took note of the read-out from the Presidency on the follow-up of the Council meeting.

18. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 14 July 2015

The Committee took note of the presentation. The incoming Presidency took note of the Commission's request to consider removing the item: "Commission action plan on direct taxation" with a view to discuss it in September.

Coreper Part 1

II

23. **Proposal for a Regulation of the European Parliament and the Council establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the Presidency's debriefing of the third trilogue with the European Parliament on the Baltic Sea fisheries management plan, which took place in Brussels on 24 June 2015.

The Presidency had positive expectations for this third meeting, good progress had been made at technical level and it stood ready for substantial discussions to define possible compromises. However, the Presidency explained the European Parliament's delegation was not ready to engage in such a dialogue, the rapporteur having chosen to question the Council, and was not ready to listen to the careful explanations of the Presidency or the Commission. The Presidency added that it was not possible to convince the rapporteur to consider Article 2 of the Basic Regulation or the latest scientific advice as a common starting point. The Presidency reiterated the Council's openness to resume discussions.

In the Commission's view, there were no major discrepancies on substance between the co-legislators. It considered that there was scope to reach an agreement in the near future.

24. **Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union (NIS) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee has been informed of the outcome of the fourth informal trilogue which took place on 29 June 2015 in Brussels.

25. **Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee has been informed of the outcome of the fourth informal trilogue which took place on 29 June 2015 in Brussels.

26. **Proposal for a Regulation of the European Parliament and of the Council on requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
10077/15 ENT 119 ENV 423 MI 405 IA 8 CODEC 899

The Presidency presented a compromise text stressing that following the last Working Party meeting the conditions seemed ripe for an agreement on the text as a basis for negotiations with the European Parliament. After a short exchange of views the Committee agreed to mandate the Presidency to enter into negotiations subject to one amendment to the text.

27. **Proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
10267/15 AGRI 349 AGRILEG 135 PHYTOSAN 33 CODEC 926
10108/2/15 AGRI 340 AGRILEG 131 PHYTOSAN 32 CODEC 902 REV 2

The Committee agreed on the mandate in view of the first informal trilogue, as set out in 10108/2/15 REV 2 by qualified majority, with two delegations abstaining and NL entering a parliamentary scrutiny reservation and asking that the discussion on the mandate be postponed.

(NB: After the meeting this delegation (NL) informed that it could not support the mandate).

The Commission representative noted that significant changes had been introduced to the text, as compared to its original proposal, and reserved its position on them at this stage. Replying to some delegations, he further recalled that it is the practice of his institution to take into account inputs from all Member States while drafting implementing acts.

28. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1007/2009 on trade in seal products (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
- 10282/15 ENV 434 AGRI 353 MI 418 COMER 91 PECHE 226 CODEC 932

The Committee took note of the results of the informal trilogue with the EP on the above-mentioned Regulation, held in Brussels on 25 June 2015 where agreement was reached *ad referendum* between the co-legislators.

The Committee approved, by qualified majority, the final compromise text as set out in the Annex to document 10282/15 and authorised the Presidency to send the relevant letter to the European Parliament.

DK, EE, FI, FR and SE indicated that they planned to submit statements to be included in the minutes of the relevant Council meeting at the time of adoption.

The Commission presented the following statements to be included in the Committee's minutes:

No-opinion clause

"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."

* * *

Research

"The Commission confirms its understanding that providing a seal carcass or parts thereof (that has been legally hunted or otherwise obtained in accordance with the relevant international and domestic laws) for research purposes to a body or institution that is recognised for such purposes in accordance with national or international laws, and any compensation paid for the costs occurred and the service rendered, are not considered to be "placing on the market" under Article 1(1) of Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products."

* * *

Article 3(6)

"The Commission notes that the co-legislators have included in the final compromise text a provision according to which the non-binding guidance notes under Article 3(6) will be adopted by examination procedure. The Commission is of the view that the adoption of non-binding guidelines by the Commission should not be subject to the control mechanism under Regulation 182/2011 since the Commission has its own autonomous right under the Treaty to issue such guidance. Considering the urgent need to meet the WTO requirements and deadlines the Commission does not oppose the solution favoured by the co-legislators in this particular file. This is without prejudice to the negotiations of the inter-institutional agreement on better law-making, as well as the position the Commission will take on similar matters in the future."

29. **Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants (First reading) (Legislative deliberation)**

– **Analysis of the final compromise text with a view to agreement**

10280/15 ENV 433 ENER 264 IND 106 TRANS 222 ENT 122 SAN 200
PARLNAT 72 CODEC 931

The Committee confirmed final agreement, by qualified majority, on the overall compromise text as in 10280/1/15 REV 1, with RO presenting its intention to vote against. The Committee authorised the Presidency to send the relevant letter to the European Parliament.

NL, supported by DE and SE, announced a statement regarding their wish for a higher ambitious level to be included in the minutes of the relevant Council meeting at the time of adoption.

The Commission presented the following statement concerning the no-opinion clause for the Committee's minutes:

"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."

30. **Fourth Railway Package (Technical Pillar) (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**
 - 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)**
 - c) **Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast)**
- **Analysis of the final compromise text with a view to agreement**
10019/15 TRANS 212 CODEC 892
+ ADD 1-3

The Committee examined and approved the final compromise texts as a basis for an early second reading agreement with the European Parliament. Germany requested the following statement to be included in the Committee's minutes:

"With regard to Article 68(2) of the 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, Germany recalls paragraph 8 of the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralized agencies, according to which the host State should commit itself to [continue to] respond to the agency's needs and provide the necessary conditions for the smooth operation of the agency, [also after the latter has been set up]. Germany considers itself bound by this, so that its agreement to the current wording should not be seen as a precedent for the future foundation of (new) agencies, and it requests the Commission to take this into account in the future when preparing comparable proposals.

Furthermore, Germany regrets very much that it has not received sufficient support for a term of office of the Executive Director of five plus four years."

– **Any other business**

- **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)**

The Presidency debriefed the Committee about the first trilogue on the General Data Protection Regulation.

* * *

UK requested an update on the recent tragic events in Tunisia.
