



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 26 September 2013
(OR. en)**

13605/13

CRS/CRP 31

SUMMARY RECORD

Subject: 2465th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 11 September 2013

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7. Commission Decision of XXX amending Decision 2007/742/EC in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to electrically driven, gas driven or gas absorption heat pumps
8. Commission Decision of XXX establishing the ecological criteria for the award of the EU Ecolabel for flushing toilets and urinals
9. Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council with regard to applications for import and export licences of products and equipment containing or relying on halons for critical uses in aircraft
10. Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council with regard to reporting on methyl bromide
11. Commission Regulation (EU) No .../.. of XXX amending Regulation (EU) No 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and the Council establishing a scheme for greenhouse gas emission allowances trading within the Community in particular to list an auction platform to be appointed by Germany
12. Commission Regulation (EU) No .../.. of XXX on determining international credit entitlements pursuant to Directive 2003/87/EC of the European Parliament and of the Council
13. Commission Decision of XXX amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage
14. Proposal for a Council Decision on the acceptance of the Amendment to Articles 25 and 26 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes
16. Proposal for a Council Decision on the signing, on behalf of the European Union, of the Minamata Convention on Mercury

18. Proposal for a Council Decision on the signature, on behalf of the European Union, and on the provisional application of the Protocol agreed between the European Union and the Gabonese Republic setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic
19. Proposal for a Council Regulation on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Gabonese Republic setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic
20. Proposal for a Council Decision to authorise the Commission to open negotiations on behalf of the European Union for a new Protocol to the Fisheries Partnership Agreement with the Republic of Cape Verde
21. Proposal for a Council Decision on the position to be adopted by the European Union, in the context of the EU-Switzerland Joint Committee, on the definition of the grounds for exemption from transmitting data pursuant to the first subparagraph of Article 3(3) of Annex 1 to the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures
22. Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems (First reading) (Legislative deliberation)

II

- 23. Proposal for a Council Decision establishing the position to be taken in HELCOM and IMO concerning the designation on the Baltic Sea as Nitrogen Oxide Emission Control Area (NECA) 12
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27. Proposal for a Council Regulation opening and providing for the administration of autonomous tariff quotas of the Union on imports of certain fishery products into the Canary Islands from 2014 to 2020
28. Proposal for a Decision of the European Parliament and of the Council providing macro-financial assistance to the Kyrgyz Republic (First reading)
 - a) Adoption of the position of the Council in first reading
 - b) Adoption of the statement of the Council reasons
29. Proposal for a Council Decision on the granting of daily allowances and the reimbursement of travelling expenses of members of the European Economic and Social Committee and their alternates
30. Draft Memorandum of Understanding between Eurojust and Frontex
31. Multiannual table of authorised C.SIS installation expenditure - quarterly reports of 2012
32. Multiannual table of authorised C.SIS installation expenditure - first quarter of 2013
33. Multiannual table of authorised C.SIS installation expenditure (situation as at 31 December 2012)
34. Update to COTER Working Methods
36. Economic and Social Committee
 - Council Decision appointing a Swedish member of the European Economic and Social Committee
37. Proposal for a Regulation of the European Parliament and of the Council on European Statistics on Demography (First reading)
38. Draft reply to the letter of Mr Brok, Chair of the Committee on Foreign Affairs of the European Parliament : Request for access to the negotiating directives for the negotiation of a Stabilisation and Association Agreement with Kosovo

II

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

doc. 13432/13 OJ/CRP1 31

13419/1/13 REV 1 OJ/CRP2 31

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

The following item is **added** :

(Coreper Part 2, under II)

43. Debrief of the G20 Summit (St Petersburg, 5-6 September 2013)

The following items are **withdrawn** :

(Coreper Part 1, under I)

15. Proposal for a Council Decision on the adaption, on behalf of the Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union

- **Request by the Council for the consent of the European Parliament**
13360/13 AGRI 541 FORETS 45 DEVGEN 220 ENV 804 RELEX 782
JUR 445 UD 221 PROBA 37

17. Proposal for a Council Decision on the signing, on behalf of the Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union

- **Adoption**
13305/13 AGRI 534 FORETS 44 DEVGEN 218 ENV 797 RELEX 779
JUR 442 UD 219 PROBA 36

(Coreper Part 2, under I)

35. Case before the Court of Justice (Opinion 2/13)

- **Request by the Commission for an Opinion pursuant to Article 218/(11) TFEU on the compatibility with the Treaties of the draft agreement on the accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms**
 - **Authorisation to submit written observations on behalf of the Council**
13346/13 JUR 443 FREMP 119 JAI 740 COHOM 191

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

A statement was made by the SK delegation on the following item :

37. Proposal for a Regulation of the European Parliament and of the Council on European Statistics on Demography (First reading)

– **Approval of the final compromise text**

13009/1/13 REV 1 STATIS 80 POLGEN 156 ECOFIN 743 SOC 629 REGIO 172

DATAPROTECT 119 CODEC 1894

+ ADD 1

"The Slovak Republic has continuously expressed reservations with regard to the Proposal for a Regulation of the European Parliament and of the Council on European Statistics on Demography.

The Slovak Republic is convinced that the final text of the Regulation does not meet the necessary preconditions to guarantee consistency of the data on the population. Furthermore, the Slovak Republic is of the opinion that definitions in the proposed Regulation could have negative consequences as they create inconsistencies in the European legislation. The definitions in the proposed Regulation on European Statistics and Demography do not fully correspond with the definitions used in legislative acts in force, for instance the Regulation on migration or Regulation on population and housing censuses.

The Slovak Republic abstains from voting due to the abovementioned reasons."

HU joined this statement.

Coreper Part 1

II

23. **Proposal for a Council Decision establishing the position to be taken in HELCOM and IMO concerning the designation on the Baltic Sea as Nitrogen Oxyde Emission Control Area (NECA)**
- **Consideration of the outcome of discussions within the Working Party on the Environment**
10120/13 ENV 469 MAR 61 TRANS 269
13348/13 ENV 801 MAR 122 TRANS 459

The Chair recalled the outcome of the discussions of the Working Party on the Environment on 18 July 2013, namely that it was not possible to adopt a Council Decision on the basis of the aforementioned Commission proposal, as a large majority of delegations had considered that the Union had not exercised its competence on the particular area of NO_x emissions from international shipping and that it would not be opportune to do so.

The Commission expressed its dissatisfaction with the outcome, while recalling the environmental problems in the Baltic sea and called delegations to pursue coordination on the spot, even in the absence of a Council Decision. A number of delegations took the floor and confirmed the conclusions of the Chair. One delegation indicated it could have accepted a Council decision on this issue.

The Council Legal Service, invited to provide clarification, indicated that its legal assessment of the situation differed from the Commission's insofar it considered that the Union competence had not been exercised in that area and that, consequently, the Council was free to decide whether to exercise it or not. In that latter case, the fact that no Union position was established did not preclude the HELCOM riparian Member States from choosing voluntarily to coordinate on the spot and from inviting the Commission to assist in this exercise, if they so wished.

Following this exchange the Chair invited delegations to indicate who could not agree with the conclusions suggested by the Presidency, which would then be recorded verbatim in the Committee minutes as follows:

"The Committee considers that the Commission proposal set out in document 10120/13 bears on an area of unexercised Union competence. In view of the above and in the light of today's discussions, the Committee confirms there is a large blocking minority against the adoption of a Council Decision on the basis of that Commission proposal and decides not to pursue the matter further."

No delegation disagreed. The Commission noted its regret with the conclusions reached by the Committee and reserved its right to any future action it would deem appropriate.

24. Proposal for a Decision of the European Parliament and of the Council amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

13391/13 ENV 810 ENER 405 IND 245 COMPET 631 MI 732 ECOFIN 770
TRANS 464 AVIATION 144 CODEC 1965

The Committee considered the Presidency suggestions set out in document 13391/13. A number of delegations requested additional time to enable them to scrutinise the European Parliament amendment. The Committee agreed to temporarily defer the discussions on this item to a future date.

25. Proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) (First reading) (Legislative deliberation)

– **Presidency debriefing and consideration of the outcome of the informal trilogue**

Following the information on the major results of the second informal trilogue held on 5 September 2013, the Committee held an exchange of views on the preliminary compromise proposals.

Coreper Part 2

II

39. Presentation of the agenda of the Council meeting (General Affairs) on 30 September 2013

The Committee took note of the information provided by the Presidency regarding the main issues of the September General Affairs Council, including inter alia, preparation for the October European Council and the Cohesion policy legislative package.

40. European Union Civil Service Tribunal

- **Appointment of a judge**
 - 12409/13 JUR 372 COUR 69
 - 12232/13 JUR 364 COUR 67
 - + COR 1
 - 12031/13 JUR 353 COUR 60
 - + ADD 1
 - + ADD 2

Representatives of the governments of the Members States concluded to propose to the Council to appoint by written procedure Mr Svenningsen as judge at the European Union Civil Service Tribunal.

41. EU-Ukraine Association Agreement

13347/13 COEST 254 NIS 48 PESC 1040 JAI 741 WTO 191 ENER 397

The Committee discussed the open issues related to the draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, on the basis of the note to the Committee (doc. 13347/13). The Committee decided to revert to the matter at its meeting on 18 September 2013.

42. Proposals for external financing instruments under Heading 4 (2014-2020) (First reading)

- Preparation of the sixth informal trilogue (*restricted session*)

13381/13 CADREFIN 221 DEVGEN 222 ACP 139 RELEX 787

COASI 124 ASIE 38 COMAG 83 COHOM 193 COEST 256

COWEB 122 ELARG 115 CODEC 1959 PE 385 FIN 509

The Committee held an exchange of views on the Presidency proposal for a revised mandate for negotiations on the proposals for external financing instruments under Heading 4 contained in document 13381/13. The Chair noted broad support for the proposed revised mandate, while taking note of the additional observations made by delegations.

43. Debrief of the G20 Summit (St Petersburg, 5-6 September 2013)

The Commission debriefed the Committee on the main outcomes of the G20 Summit.
