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SUMMARY RECORD

Subject: 2512th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 30 September and 1 October 2014

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

doc. 13670/14 OJ/CRP1 33

13668/1/14 REV 1 OJ/CRP2 33 COMIX 495

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.

Coreper Part 2

II

2. Presentation of the agenda of the Council meeting (Foreign Affairs) on 20 October 2014

The Committee took note of a presentation by the European External Action Service of the provisional agenda of the Council meeting (Foreign Affairs) on 20 October 2014. It was noted that the agenda would include Iraq and ISIL, Syria, Ebola, MEPP and Gaza, as well as possibly Libya and Ukraine.

3. Ukraine (restricted session)

The Committee took note of the presentation by the European External Action Service and the Commission of the implementation of the peace plan since the entry into force of the Minsk Agreement and Protocol.

Based on the positions expressed by delegations, it was agreed that the Presidency would inform the President of the European Council of the following:

1. Based on an assessment by the European External Action Service (EEAS) and the Commission, the Permanent Representatives Committee (COREPER) has carried out a comprehensive review of the situation in Eastern Ukraine.
2. The Committee shared the analysis that while encouraging developments have been registered in the political process and in the implementation of some aspects of the Minsk Protocol, relevant parts of the same protocol will need to be properly implemented. The European Union will continue to closely monitor developments on the ground and review the implementation of the Minsk Protocol. The EU recalls its full support to Ukraine's sovereignty and territorial integrity.
3. The EU has reiterated the central role played by the OSCE Special Monitoring Mission (SMM) and expressed its willingness, in particular, to provide the SMM with the necessary human and material support to fulfill its tasks.
4. The EU is also committed to enhance its humanitarian and reconstruction efforts in Eastern Ukraine.
5. The EU will continue to support the reform efforts in Ukraine, including through the implementation of the Association Agreement that constitutes the basis of the contractual relations between the Ukraine and the EU.
6. The EU will also pursue its proactive engagement with the parties to reach a peaceful solution of the crisis in Eastern Ukraine.

7. If the situation on the ground so warrants, the Commission and the EEAS would be invited to put forward to the Council proposals to amend, suspend or repeal the set of sanctions in force, in all or in part.

The Committee decided to remain seized of the matter and discuss it again before the end of October.

4. Debrief of the EU-Canada Summit (Ottawa, 26 September 2014)

The Committee was debriefed by the EEAS and the Commission on the outcome of the EU-Canada Summit held in Ottawa, on 26 September 2014. The Summit was described as a milestone establishing a strong partnership between the European Union and Canada. In addition, both presidents participated at the Toronto business event.

Both parties celebrated the end of negotiations of the Comprehensive Economic Trade Agreement (CETA) and the Strategic Partnership Agreement (SPA). Other topics were also discussed, such as visa reciprocity, Ukraine, climate change, the Arctic and energy cooperation.

5. Follow-up to the Council meeting (General Affairs) on 29 September 2014

The Committee took note of the key outcomes of this Council meeting.

6. Presentation of the agenda of the Council meeting (General Affairs) on 21 October 2014

The Committee took note of the agenda of the October General Affairs Council which will include the following items:

- preparations of the October European Council - draft EC conclusions;
- Council conclusions on the governance of macro regional strategies;
- EC follow-up: strategic priorities - Europe of Freedom, Security and Justice.

7. 10th ASEM Summit (Milan, 16-17 October 2014)

- State of play of preparations

13507/14 COASI 119 ASIE 60 PESC 969 POLGEN 133 WTO 258

The Committee approved the state of play of the preparations for the 10th ASEM Summit (16-17 October 2014, Milan) on the basis of a background note (doc. 13507/14 LIMITE) and provided guidance on open issues in the draft Chair's statement.

8. Ebola

The Commission gave a state of play on the situation and on the many actions taken in the EU to address the Ebola crisis in West Africa, highlighting the role played by the ERCC as a service provider/hub for information exchanges, open to the relevant Commission and EEAS services and MS authorities. The EEAS stressed the need to consider military capabilities, which have their specificities and channels. It is required to look at all possible solutions to the existing gaps and conduct prudent planning in the light of growing security and economic problems and the need to strengthen coordination.

MS interventions focused on key contributions provided or planned, the issue of transportation, including medical evacuation of affected healthcare personnel and the requirement to find practical solutions for reinforced coordination.

The Presidency announced that, with the support of the Commission, the EEAS and the GSC, it will bring together the different elements on the table in a single coherent framework paper based on a light coordination mechanism. This should feed the discussion in preparation of the October European Council.

The Committee will revert to this issue at its next meeting.

9. Preparation of the Council meeting (Economic and Financial Affairs) on 14 October 2014

- Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

Only comment from DK on whether there would be a basis (paper, steering note) for the discussion on Climate change. Presidency informed that there would be no Presidency paper.

47. Preparation of the Council meeting (Justice and Home Affairs) on 9/10 October 2014

a) Taking action to better manage migratory flows

The Committee confirmed the outcome of the discussions held during the Mixed Committee (see doc. 14116/14 JAI 759 COMIX 541).

b) Follow-up on the implementation of the EU priorities in combatting serious and organised international crime

13579/1/14 REV 1 JAI 706 COSI 90 ENFOPOL 291 ENFOCUSTOM 110

The Committee was informed about the Presidency's intentions to inform the Council on the results of the large scale law enforcement operation (Operation Archimedes) which took place between the 15 and 23 September 2014 and to organise a policy debate on the Member States' role and input in the EU's fight against serious and organised crime, and in particular the setting of crime priorities and possibilities to effectively bring together resources at EU level.

c) Foreign fighters: follow-up on the conclusions of the European Council of 30 August 2014

13416/14 JAI 695 PESC 959 COSI 85 COPS 218 ENFOPOL 284
COTER 64 SIRIS 58 FRONT 198

The Committee welcomed the initiative of the Presidency to discuss the issue of foreign fighters at the Council and considered that the topics suggested for discussion were very relevant under the current circumstances. There was broad support for the need to revive the discussion on the PNR with the EP with a view to making substantial progress on the file. It was suggested to also examine the exchange of Advance Passenger Information.

On the issue of checks at external borders, delegations agreed that efforts leading to better use of existing instruments are needed. Some were of the view that experts should first examine what can be done under the existing legislation, before making any requests to the Commission to make formal proposals.

- d) **Draft Council Decision on the framework for the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**
- **State of play/(poss.) Adoption**
13363/14 SCH-EVAL 96 SIRIS 57 COMIX 468

In light of the still ongoing consultations, it was decided not to discuss this item and to take it off the Council's agenda.

- e) **Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office**
- **Orientation debate**
13509/14 EPPO 49 CATS 128 EUROJUST 161 FIN 671 COPEN 228 GAF 51

The Chair briefly presented the document and the question to be submitted to ministers. Some delegations questioned the timeliness of the question, and others suggested a slight reformulation of it. Most delegations supported the general thrust of the question. The Chair took note of the discussions and stated that the document would be modified slightly in line with comments received.

- f) **Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings (First reading)**
13538/14 DROIPEN 112 COPEN 230 CODEC 1868

The Committee took note of the questions that the Presidency will submit to the Council (see point 13 of doc. 13538/14).

- g) **Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (First reading)**
- **Orientation debate**
13566/14 JUSTCIV 230 FREMP 161 CODEC 1873

The outcome of the discussions is set out in 13566/14.

- h) 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)**
- **The right to be forgotten and the Google judgment**
 - **Orientation debate**
13619/14 DATAPROTECT 127 JAI 711 MI 704 DRS 118 DAPIX 132
FREMP 162 COMIX 490 CODEC 1883
 - **Partial general approach¹ on Chapter IV**
12312/4/14 REV 4 DATAPROTECT 109 JAI 630 MI 579 DRS 104
DAPIX 109 FREMP 148 COMIX 403 CODEC 1675

The Chair briefly presented the Presidency note to the Council regarding 'the right to be forgotten'.

The Committee discussed extensively the revised Presidency note on Chapter IV, which was widely welcomed. Some delegations nevertheless referred to a few outstanding issues.

Following this discussion, the Chair indicated that the only issue on which further discussions would be held prior to the Council was the scope of the obligation for non-EU controllers to appoint representatives (Article 25).

Germany made the below statement:

"Statement by Germany on Chapter IV of the proposal for a General Data Protection Regulation as set out in Council document 12312/4/14 REV 4:

Germany supports the partial general approach under the conditions listed in paragraph 8(i) to (iii) of the document. Germany reserves the right to return to the requirement for the mandatory appointment of a data protection officer for specific processing situations, due to its central importance in concluding discussions on the text."

i) Other items in connection with the Council meeting

The Presidency added one AOB item to the Council agenda:

"Outcome of the High Level Conference on a Renewed EU Internal Security Strategy".

The UK requested that the "Application of Article 10 of Protocol 36 to the Treaties" be also included on AOB.

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.*

Coreper Part 1

II

61. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 8 October 2014

1. **Proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (SES II+) (First reading) (*Legislative deliberation*)**
 - **Progress report**
11501/13 AVIATION 91 CODEC 1588
+ REV 1 (el)
13234/14 AVIATION 182 CODEC 1822

The Committee took note of the report on the proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky as set out in 13234/14, and decided to submit it to the forthcoming TTE Council on 8 October 2014.

2. **Communication from the Commission "A new era for aviation: Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner (RPAS)" (*Non-legislative activity*)**
 - **Policy debate**
8777/14 AVIATION 102 TRANS 214 RECH 157 DATAPROTECT 57
13235/14 AVIATION 183 TRANS 424 RECH 368 DATAPROTECT 121

The Committee took note of the questions presented by the Presidency, as set out in 13235/14, which will structure the ministerial debate on remotely piloted aircraft systems at the TTE Council on 8 October 2014.

3. **Proposal for a Regulation of the European Parliament and of the Council establishing a framework on market access to port services and financial transparency of ports (First reading) (*Legislative deliberation*)**
 - **General approach**
10154/13 TRANS 272 MAR 62 FIN 300 CODEC 1234
+ REV 1 (de)
+ REV 2 (fr)
13555/14 TRANS 444 MAR 149 FIN 6777 CODEC 1872

The Committee examined the draft general approach, solved some of the outstanding issues and decided to transmit it to the TTE Council on 8 October 2014 for further examination with a view to adoption.

62. Proposal for a Regulation of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Regulation (EU) No 525/2013 (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

13247/14 CLIMA 84 ENV 758 MAR 144 MI 661 ONU 108 CODEC 1824

The Committee considered the Presidency compromise suggestions set out in 13247/14 and gave the Presidency a mandate, taking into account the comments made during the meeting, for negotiating with the European Parliament with a view to an early agreement on the file.

63. Preparation for the Council meeting (Agriculture and Fisheries) on 13 and 14 October 2014

1. African swine fever (*Non-legislative activity*)

- Exchange of views

13578/14 AGRI 596 VETER 89

The Committee prepared the exchange of views to be held at the next meeting of the Agriculture and Fisheries Council on the situation regarding African Swine Fever.

2. EU/Norway: annual consultations for 2015 (*Non-legislative activity*)

- Exchange of views

13545/14 PECHE 438 N 28

The Committee prepared the item. The item is retained on the Council agenda.

3. ICCAT Annual meeting (*Non-legislative activity*)

- Exchange of views

13517/14 PECHE 437

The Committee prepared the item. The item is retained on the Council agenda.

4. Proposal for a Council Regulation fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea (*Non-legislative activity*)

- Political agreement

12854/14 PECHE 405

13595/14 PECHE 441

The Committee took note of the delegations' main priorities and decided to send the file to the Council on 13 October 2014 in order to reach a political agreement.

- **Any other business**

= **Employment Summit (Milan, 8 October 2014)**

Presidency provided information on the organisation of this Conference and noted that a paper to prepare the discussion will be circulated shortly.

= **European Data Protection Supervisor**

Presidency informed delegations of the selection procedure to be followed for the appointment of the EDPS and the Assistant EDPS.

= **UNHCR**

Commission informed of the latest contacts with UNHCP Bureau in view of securing additional participatory rights in this organisation.

= **Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC (request from France on Impact Assessment)**

Following a request by FR, supported by CZ/EE/IE/UK, the Committee agreed to revert to the impact assessment of the proposal once the Working Party will have completed its work on it. A report on the bilateral consultations of the past months will be presented by the Commission to the Working Party at the end of November.

= **Proposal for a Regulation of the European Parliament and of the Council on Medical devices, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009**

Proposal for a Regulation of the European Parliament and of the Council on *in vitro* diagnostic medical devices (request from France)

In response to a request from the French delegation, the Presidency outlined the state of play and stated its intention to take political issues to the Committee in November. In all, six delegations intervened, two of them stressing that the issues should be prepared at Working Party level and then taken to the Committee.