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European Union

**Brussels, 23 October 2014
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14059/14

CRS/CRP 40

SUMMARY RECORD

Subject: 2513th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 8 and 10 October 2014

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31. Governing Board of the European Foundation for the Improvement of Living and Working Conditions

Appointment of Mr Pantelis STAVROU, member for Cyprus, in place of Mr Nikos EPISTITHIOU, who has resigned

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

doc. 13945/14 OJ/CRP1 34 + ADD 1

13914/1/14 REV 1 OJ/CRP2 34

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

The following item is added :

(Coreper Part 1, under II)

**44. Twelfth meeting of the Conference of the Parties (COP 12) to the Convention on Biological Diversity (CBD) (Pyeongchang, Republic of Korea, 6-17 October 2014)
Marine and coastal biodiversity: Ecologically or Biologically Significant Marine Areas (EBSAs)**

– Approval of the European Union and Member States position

14149/14 ENV 822 PECHE 460 MAR 157 MARE 9 ONU 115

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

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

a) Measures in support of investment

- **Council conclusions**
13843/14 ECOFIN 872

The Committee prepared draft Council conclusions on investment. Following written comments from delegations, the Presidency issued a revised text as set out in 13843/2/14 REV 2 ahead of the Council (ECOFIN).

b) Mandatory automatic exchange of information in the field of taxation

- **Proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation**
= **Political agreement**
13780/14 FISC 144 ECOFIN 861
13792/14 FISC 146 ECOFIN 867

The Committee discussed the last outstanding issue (date of application), with a view to reaching political agreement at the October ECOFIN Council (Presidency note for the Council, doc. 13948/14).

c) Energy taxation

- **Proposal for a Council Directive amending Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity**
= **Orientation debate**
13782/14 FISC 145 ENER 413 ENV 794 ECOFIN 862

The Presidency indicated that Ministers' discussions would focus on the question of how to proceed with this file (Presidency note for the Council, doc. 13814/14).

d) Other items in connection with the Council meeting

- Presidency informed that a provisional agreement had been reached with the EFTA countries on the incorporation of the Regulation on the Financial Supervisory Authorities into the EEA agreement. Presidency would launch a Written Procedure after the Committee to have delegations approval of the conclusions to be adopted at the EFTA-ECOFIN ministerial meeting on 14 October 2014.
- Presidency also informed that there would be an informal session of ECOFIN Ministers on Climate Change and Energy on the day of the Council, starting at 15H30.
- The item on the preparation of the EC was withdrawn from the Council's agenda.

24. Proposal for a Council Decision on the composition of the Committee of the Regions
13884/14 CDR 108 INST 482 AG 16

The Committee:

- discussed the composition of the Committee of the Regions on the basis of a Presidency compromise text aiming at aligning the number of Committee's members to 350, the maximum number allowed by the Lisbon Treaty;
- took note of delegations positions, in particular the three delegations affected by the need to reduce the number of their Committee's members by one member each;
- took note of the contribution of the Council Legal Service concerning possible legal action against the Council in the case of a failure to act before the end of the current term of office of the Committee;
- took note of the Presidency's intention to discuss the issue at a forthcoming meeting of the General Affairs Council.

25. Enlargement package 2014

- Presentation by the Commission

The Committee took note of the presentation by the Commission of its 2014 Enlargement Communication and Progress Reports. It was noted that these documents would be discussed in the competent Council bodies (Enlargement and Western Balkans Region Working Parties) in the following weeks in view of the preparation of draft Council conclusions for the General Affairs Council in December 2014.

Furthermore, the Cyprus delegation requested the following statement to be entered into the minutes of the Committee:

Statement by the Republic of Cyprus

"Cyprus takes note of the adoption of 2014 Enlargement Package and will express its positions in the relevant bodies of the Council.

In view of the in depth review, Cyprus preliminarily states the following, as regards two important issues, relating to Turkey's EU obligations, that regrettably are not comprehensively addressed in the Package:

1. European Court of Human Rights - Decision of 12th May 2014 in Cyprus v. Turkey case

Cyprus would have expected an objective and in depth recording of the important recent Decision of the European Court of Human Rights (ECHR) dated 12th May 2014¹. Such reference should have been included in the Political Criteria part and the Conclusions of the Strategy Paper.

Moreover, the Commission omitted to stress that under Article 46 of the European Convention of Human Rights the contracting parties undertake to abide by the final judgements of the Court in any case to which they are parties.

It should be noted that the recent decision of the ECHR constitutes a landmark development in the International and Human Rights Law. The Progress Report, however, falls short of sending the necessary messages to Turkey that the EU ought to deliver on such a serious matter. In addition, Turkey's expressed intention (including at Ministerial level) that it does not intend to respect the Decision, and its efforts to undermine the credibility of the Court, rendered it indispensable for the EU to strongly position itself and call on Turkey to fully implement it.

2. Readmission Agreement - Turkey's Statement

Turkey undertook the obligation of implementing the Readmission Agreement and the Road Map towards all Member States, including the Republic of Cyprus, and to effectively cooperate in all fields of JHA issues with all MS. In addition, the Commission reassured, orally and in writing, that it will monitor closely their full, non-discriminatory implementation and that it will take appropriate action to remedy possible shortcomings.

¹ On 12 May 2014 the Grand Chamber of the European Court of Human Rights (the Court), delivered a judgment awarding just satisfaction in the case of Cyprus v. Turkey (Application no. 25781/94) in respect of non-pecuniary damage suffered by the relatives of the missing persons and by the enclaved Greek Cypriot residents of the Karpas peninsula. In addition the Court reiterated that there had been a continuing violation of Article 1 of Protocol No 1 for violation of property rights.

Regretfully, on this crucial matter, the Enlargement Package fails to objectively reflect serious, negative developments during the reporting period, and to send the necessary messages to the candidate. In particular, on 16 December 2013 Turkey submitted a statement in a letter to the Commission clearly stating that it does not intend to implement the Readmission Agreement vis-à-vis Cyprus. The Commission expressed its disappointment concerning this statement in a letter sent to Turkey, noting that this unilateral statement has no legal validity, and calling on Turkey to implement the Agreement vis-à-vis all member states.

Within the context of this year's Enlargement Package, the Commission should have condemned the Statement, reiterating that it has no legal effect, and call Turkey to withdraw it and fully implement the Agreement towards the Republic of Cyprus."

26. Preparation of the Council meeting (General Affairs) on 21 October 2014

a) Preparation of the European Council on 23-24 October 2014

- **Draft guidelines for the conclusions**
12781/14 CO EUR-PREP 29

The Committee examined the guidelines for the conclusions of the October EC, in particular the Climate and energy policy framework 2030.

b) Other items in connection with the Council meeting

Two items will be added to the October General Affairs Council:

- the "Application of Article 10 of Protocol 36 to the Treaties" and
- the composition of the Committee of the Regions.

27. Ebola

- **State of play**

The Commission gave a state of play on the situation on the ground and informed about the daily technical coordination meetings being organised at the ERCC. These meetings are also open to the Member States and bring together all Commission Directorate Generals involved, the EEAS and the Presidency.

The EEAS announced a paper proposing some ideas to the Member States on the wider response to the epidemic encompassing prudent planning. The issue of the EU response to the Ebola crisis is high on the agenda of the future High Representative in preparation of the first meeting of the external relations Commissioners.

The Presidency invited Member States to ensure appropriate liaison with the ERCC in order to ensure consistency of the more practical coordination and recalled the central role of the Committee for such a cross sectorial crisis. All relevant elements, including prudent planning, will need to be brought into a single paper for discussion at the next meeting of the Committee.

28. Declassification of TTIP negotiating directives

14005/14 WTO 271 COTRA 34

The Chair presented the Presidency proposal regarding declassification of the TTIP negotiating directives (doc. 14005/14).

The Committee reached an agreement to fully declassify the TTIP negotiating directives as featured in document 11103/13 EU RESTRICTED which should be made publicly available at the earliest convenience.

The Committee agreed that the decision to make public the TTIP negotiating directives does not constitute a precedent for other negotiating directives and underlined that this decision would not affect the Council's deliberations on future recommendations to open negotiations, including negotiating directives.

The Committee also emphasised the need to strengthen the overall communication strategy on the TTIP, and invited the Commission to strengthen further, in cooperation with Member States, its outreach activities and engagement with stakeholders.

The Committee invited the Information Working Party to further discuss how the EU's communication strategy on the TTIP could be enhanced and to rapidly report back to the Committee.

Finally, the Committee agreed to launch a written procedure, pursuant to Article 19 Paragraph 7(e) of the Council's Rules of Procedure, regarding the decision to make public the TTIP negotiating directives and to enter a statement to the minutes of the Council (CM 4466/14 and CM 4468/14).

Coreper Part 1

II

37. **Council implementing Decision No 2014/353/EU of 21 May 2014 on the practical and procedural arrangements for the appointment by the Council of three experts of the selection and monitoring panel for the European Capitals of Culture action 2020-2033**
- **Selection of three Member States with a view to the appointment by the Council of three experts to the panel**
13797/14 CULT 108

The Committee held a draw with a view to selecting the three Member States who will each appoint an expert to the panel as set out in 13797/14. The Member States selected were Finland, Germany and Latvia. The Committee agreed to invite the Council to confirm this selection (see doc. 14179/14) as an "A" item.

38. **Preparation for the Council meeting (Agriculture and Fisheries) on 13 and (poss.) 14 October 2014**
- **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**
13880/14 PECHE 450

The Committee examined and endorsed a scenario for a way forward proposed by the Presidency to be used as a basis for a Council compromise.

39. **Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee on the outcome of the first trilogue with the European Parliament stressing the very good mood that prevailed and the readiness on both sides to reach a prompt agreement. A number of compromise proposals will be examined by the relevant Working Party with a view to a second trilogue with the European Parliament.

40. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 16 October 2014

1. Proposal for a Council Directive implementing the European Agreement concluded by the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF) concerning certain aspects of the organisation of working time in inland waterway transport

- Political agreement

(Public deliberation in accordance with Article 8(1) of the Council's Rules of Procedure)

11688/14 SOC 558 EMPL 95 SAN 282 TRANS 355

The Presidency informed that it was premature to table the proposal to the Council. The item was therefore withdrawn from the EPSCO Agenda. Any further steps will be communicated as soon as possible to the Working Party.

2. Europe 2020 Strategy: Mid-term review, including the evaluation of the European Semester

- Policy debate

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)

13854/14 SOC 666 EMPL 122 EDUC 296 ECOFIN 875

a) Joint opinion of the Employment (EMCO) and Social Protection (SPC) Committees

- Endorsement

13809/14 SOC 662 EMPL 120 EDUC 297 ECOFIN 876

b) SPC report on Social Policy Reforms for a fair and competitive Europe (Key messages for the 2015 Annual Growth Survey)

- Endorsement

13693/14 SOC 654 EMPL 116

+ ADD 1

The Committee agreed to submit to the Council for endorsement the:

- Joint opinion of the Employment (EMCO) and Social Protection (SPC) Committees on the mid-term review of the Europe 2020 Strategy
- Key messages of the SPC report on Social Policy Reforms for a fair and competitive Europe

The Committee recommended the Council to hold a policy debate on the Europe 2020 Strategy mid-term review, including the European Semester. The Presidency provided a note (doc. 13854/14) for guiding the policy debate.

41. Setting of the provisional agenda for the Council meeting (Environment) on 28 October 2014

The Committee approved the provisional agenda as set out in 14406/14.

42. Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
13796/14 ENV 795 MI 727 IND 269 CONSOM 185 CODEC 1930

The Committee agreed on a mandate for the Presidency to start negotiations with the European Parliament with a view to an early second agreement on the proposal above-mentioned. The results of the deliberations can be found in 14189/14.

43. Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high level of network and information security across the Union (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
6342/13 TELECOM 24 DATAPROTECT 14 CYBER 2 MI 104 CODEC 313
13848/14 TELECOM 170 DATAPROTECT 130 CYBER 48 MI 731 CSC 215
CODEC 1939

The Committee gave the Presidency a mandate for the 1st trilogue on 14 October 2014 on the basis of document 14076/14.

44. Twelfth meeting of the Conference of the Parties (COP 12) to the Convention on Biological Diversity (CBD) (Pyeongchang, Republic of Korea, 6-17 October 2014) Marine and coastal biodiversity: Ecologically or Biologically Significant Marine Areas (EBSAs)

- **Approval of the European Union and Member States position**
14149/14 ENV 822 PECHE 460 MAR 157 MARE 9 ONU 115

After discussion, the Committee could not reach consensus on the solution proposed by the Presidency, nor on some amendments to it.

The Chair took note of the situation and indicated that efforts and consultations at the COP would be pursued, up to ministerial coordination on the spot with a view to finding a solution to this issue.

– **Any other business**

The Commission raised the issue of withdrawal of EU objections to the delisting of three Japanese Railways companies from Japan's Government Procurement Agreement commitments and elaborated extensively on the potential impact on the ongoing EU-Japan FTA negotiations. The Chair confirmed that the Committee would revert to this issue for a full discussion (under "II" part of the agenda) at its next meeting.
