



Council of the
European Union

**Brussels, 29 October 2014
(OR. en)**

14320/14

CRS/CRP 41

SUMMARY RECORD

Subject: 2514th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 15, 16 and 17 October and in Luxembourg on 20
October 2014

SUMMARY

Page

1. Adoption of the provisional agenda 8

Coreper Part 2

I

2. Draft minutes of Council meetings
 - (a) 3330th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 22 July 2014
 - (b) 3331st meeting of the Council of the European Union (General Affairs), held in Brussels on 23 July 2014
 - (c) 3332nd meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 15 August 2014
3. Case before the Court of Justice of the European Union
 - Case C-371/14 (APEX.)
 - = Reference for a preliminary ruling from the Finanzgericht Hamburg (Germany)
4. Case before the General Court of the European Union
 - Case T-168/12 (Georgias a.o. v. Council and Commission)
5. Resolutions, Decisions and Opinions adopted by the European Parliament at its part-session in Strasbourg from 15 to 18 September 2014
6. Transparency - Public access to documents
 - Confirmatory application No 27/c/01/14
7. Transparency - Public access to documents
 - Confirmatory application No 28/c/01/14
8. Mandate of the Ad Hoc Working Party on the Single Resolution Mechanism (SRM)
9.
 - Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund in accordance with Point 13 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (application EGF/2013/002 BE/Carsid from Belgium)
 - Proposal for transfer of appropriations No DEC 26/2014 within Section III - Commission - of the general budget for 2014

10. - Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund in accordance with Point 13 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (application EGF/2014/006 FR/PSA)
- Proposal for transfer of appropriations No DEC 28/2014 within Section III - Commission - of the general budget for 2014
11. Amendments of the European Parliament to the Council's position on the draft budget for 2015
12. Amendments of the European Parliament to the Council's position on draft amending budget No 2 to the general budget for 2014
13. Draft Council conclusions on Special Report No 6/2014 by the European Court of Auditors : "Cohesion policy funds support to renewable energy generation - has it achieved good results?"
14. Draft Council conclusions on the governance of macro-regional strategies
15. Commission Delegated Regulation (EU) No .../.. of 4.6.2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the information to be notified when exercising the right of establishment and the freedom to provide services
16. Commission Delegated Regulation (EU) No .../.. of 4.6.2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the identification of the geographical location of the relevant credit exposures for calculating institution-specific countercyclical capital buffer rates
17. Commission Delegated Regulation (EU) No .../.. of 2.10.2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council as regards regulatory technical standards for determining the overall exposure to a client or a group of connected clients in respect of transactions with underlying assets
18. Draft Council conclusions on the Court of Auditors' Special Report No 3/2014 "Lessons from the European Commission's development of the second generation Schengen Information System (SIS II)"
19. Draft Council Decision on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Cyprus
20. Draft Council Decision on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Estonia

21. 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)
 - Adoption
 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons
22. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 374/2014 on the reduction or elimination of customs duties on goods originating in Ukraine (First reading)
23. Draft Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund in 2014, including the 3rd instalment 2014
24. Draft Council conclusions on Afghanistan
25. Seventeenth Progress Reports on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition (2014/I)
26. Concept of Operations (CONOPS) for the CSDP Mission EUAM Ukraine
27. Concept of Operations (CONOPS) for the CSDP Mission EUCAP SAHEL Mali
28. High Representative's Report on the Twentieth Operation ALTHEA Six-Monthly Review
29.
 - Council implementing Decision implementing Decision 2010/231/CFSP concerning restrictive measures against Somalia
 - Council implementing Regulation implementing Article 12(1) of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia
30. Political and Security Committee Decision EUTM MALI/3/2014 on the appointment of the EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) and repealing Decision EUTM MALI/1/2014
31. Council Decision amending Decision 2010/573/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

II

32.	Preparation of the Council meeting (General Affairs) on 21 October 2014	
a)	Preparation of the European Council on 23-24 October 2014 (<u>restricted session</u>)	10
b)	Follow-up to the European Council of June 2014	
-	Thematic debate on Strategic Agenda priorities - Europe of Freedom, Security and Justice	10
c)	Other items in connection with the Council meeting	10
33.	Relations with the European Parliament (October 2014)	10
34.	Follow-up to the Council meeting (Justice and Home Affairs) on 9/10 October 2014	11
35.	Follow-up to the Council meeting (Economic and Financial Affairs) on 14 October 2014	11
36.	Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 7 November 2014	11
37.	Council Decision establishing the position to be taken by the European Union within the Committee on Government Procurement on the withdrawal of the Union objections to the delisting of three entities from Japan's Annex 3 to Appendix I to the Agreement on Government Procurement	12
38.	Preparation of the Council meeting (Foreign Affairs) on 20 October 2014	
a)	Ebola (<u>restricted session</u>)	12
b)	Ukraine	12
c)	Iraq/Syria/ISIL	13
d)	MEPP/Gaza	13
e)	Libya	13
f)	Other items in connection with the Council meeting	13
39.	Draft amending budgets No 3 and 5 to the general budget for 2014	13

Coreper Part 1

I

40. Replies to written questions put to the Council by Members of the European Parliament
 - E-006216/2014 - Inês Cristina Zuber (GUE/NGL)
Banning of the Communist Party of Ukraine
41. Draft minutes of Council meetings
 - 3320th meeting of the Council of the European Union (Environment), held in Luxembourg on 12 June 2014
42. Case before the Court of Justice of the European Union
Case C-559/14 (Ackermann Saatzeit GmbH & Co. KG and Others v. European Parliament and Council of the European Union)
43. Case before the Court of Justice of the European Union
Case T-560/14 (ABZ Aardbeien Uit Zaad Holding BV and Others v. European Parliament and Council of the European Union)
44. Case before the Court of Justice of the European Union
Case T-640/14 (Beul v. Council and European Parliament)
45. Proposal for a Council Decision on the conclusion of an Agreement between the European Union and the Swiss Confederation concerning cooperation on the application of their competition laws

II

46.	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)	14
47.	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)	14
48.	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)	14
49.	Preparation for the Council meeting (Environment) on 28 October 2014	
1.	Proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (First reading) (<i>Legislative deliberations</i>)	15
2.	Preparations for the 20th session of the Conference of the Parties (COP 20) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 10th session of the meeting of the Parties to the Kyoto Protocol (CMP 10) (Lima, Peru, 1-12 December 2014) (<i>Non-legislative activity</i>)	15
3.	Greening the European semester and the Europe 2020 Strategy - Mid-term review (<i>Non-legislative activity</i>)	15
50.	Proposal for a Directive of the European Parliament and the Council on the dissemination of Earth observation satellite data for commercial purposes (First reading) (Legislative deliberation)	16
–	Any other business	
a)	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)	16
b)	Regulation No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU Appointment of TEN-T coordinators	16

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

doc. 14206/14 OJ/CRP1 35

14226/2/14 REV 2 OJ/CRP2 35 + REV 2 COR 1

+ CM 4583/14 + CM 4598/14

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

The following items are **added** :

(Coreper Part 2, under I)

51. Relations with Tajikistan

- **Establishment of the position of the European Union for the fourth meeting of the EU - Tajikistan Cooperation Council (Luxembourg, 20 October 2014)**
14057/14 COEST 358

52. - Council implementing Decision implementing Decision 2013/255/CFSP concerning restrictive measures against Syria

- **Council implementing Regulation implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

= **Adoption**

14283/14 PESC 1058 RELEX 834 COARM 164 COMEM 182 FIN 740

14121/14 PESC 1034 COARM 162 COMEM 177 FIN 732

+ ADD 1 RESTREINT UE

14122/14 PESC 1035 RELEX 823 COARM 163 COMEM 178 FIN 733

+ ADD 1 RESTREINT UE

53. Draft Council conclusions on Yemen

14239/14 COMEM 181 PESC 1052 YEMEN 1

54. Draft Council conclusions on Sudan

14145/14 COAFR 284 PESC 1041 ACP 156 COJUR 11 COHAFA 96

55. Draft Council conclusions on Somalia

14148/14 COAFR 285 ACP 157 PESC 1044 POLMIL 84 CIVCOM 199

COHAFA 97 DEVGEN 217

56. Draft Council conclusions on Central African Republic

14135/14 COAFR 283 PESC 1038 POLMIL 83

57. Draft Council conclusions on Bosnia and Herzegovina

14377/14 COWEB 113 PESC 1065 COPS 262 CSDP/PSDC 588

- 59. Operational Plan (OPLAN) for the CSDP mission EUAM Ukraine**
14120/14 COPS 249 CIVCOM 197 PESC 1033 CSDP/PSDC 572 RELEX 822
JAI 760 COEST 362 EUAM UKRAINE 15
14392/14 COPS 263 CIVCOM 206 PESC 1067 CSDP/PSDC 590 RELEX 839
JAI 778 COEST 377 EUAM UKRAINE 17 RESTREINT UE
- 60. Syria and Iraq : CT/Foreign Fighters Strategy**
14476/14 COTER 74 COMEM 187 COMAG 92 COPS 265 POLMIL 88
IRAQ 4 CONUN 165 COHOM 144 COSI 96 ENFOPOL 329 RESTREINT UE

The following item is **withdrawn** :

(Coreper Part 2, under I)

- 58. Council Decision concerning the signing and conclusion of the Agreement between the European Union and Ukraine on the status of the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)**
14347/14 CSDP/PSDC 587 PESC 1064 COEST 374 RELEX 837 CONUN 163
EUAM UKRAINE 16
13271/14 CSDP/PSDC 511 PESC 945 COEST 332 RELEX 754 CONUN 145
CSC 208 EUAM UKRAINE 9
+ COR 1 (da)
13272/1/14 REV 1 CSDP/PSDC 512 PESC 946 COEST 333 RELEX 755
CONUN 146 CSC 209 EUAM UKRAINE 10

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

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

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

- **Draft conclusions**
12782/14 CO EUR-PREP 30

The Committee examined the draft European Council conclusions, which focus on the 2030 climate and energy policy framework, in particular on greenhouse gas emissions reduction target, the EU emissions trading system (ETS), the non ETS sectors, renewable and energy efficiency, the energy security and governance.

b) Follow-up to the European Council of June 2014

- **Thematic debate on Strategic Agenda priorities - Europe of Freedom, Security and Justice**
14208/14 CO EUR-PREP 36 JAI 769 POLGEN 138

The Presidency presented a report on the follow-up to the June EC on the Strategic agenda, in particular in the area of Freedom, Security and Justice. The Committee took note of the report and prepared its discussion in the General Affairs Council, with a focus on Foreign fighters and PNR.

c) Other items in connection with the Council meeting

Presidency would like to add a new 'B' item in order to follow-up on the discussions that took place during the second meeting of the FoP on improving the functioning of the EU, notably the discussion on legislative programming.

CY also informed the Committee that it will intervene in the GAC and in the EC to inform delegations of the provocative actions by Turkey against the sovereign rights of the Republic of Cyprus in the exclusive economic zone.

33. Relations with the European Parliament (October 2014)

14036/14 PE 351 INST 490 POLGEN 137 CODEC 1970

The Committee held a discussion on relations with the European Parliament on the basis of the document 14036/14.

34. Follow-up to the Council meeting (Justice and Home Affairs) on 9/10 October 2014

The Chair informed the Committee on the results of the above JHA Council meeting.

Particular attention was paid to the following two items:

Migration flows:

The Chair recalled the adoption of the Council conclusions "Taking action to better manage migratory flows" and formally invited the Commission, in close cooperation with the EEAS, to report, through an ad hoc scorecard, on the state of play of the implementation of its operational actions to the December JHA Council.

Foreign Fighters:

The Chair referred to document 14160/14 which sets out the results of the Council's debate on foreign fighters and stressed that the Presidency wished to keep this subject high on the agenda. To that end, a roadmap (DS 1461/14) had been developed, which the CTC briefly presented as a living document that would be adapted to take on board comments and developments. The Commission announced they would send clarifications and explained that some of the commitments should be reviewed to be more realistic and/or discussed by the new Commissioners.

35. Follow-up to the Council meeting (Economic and Financial Affairs) on 14 October 2014

The Committee took note of the proceedings of this Council meeting.

Regarding the DAC directive FR asked AT when they would start exchanging information on tax issues. AT replied that this had not been determined yet.

36. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 7 November 2014

The Committee agreed the provisional agenda for this Council meeting.

DE (with support of UK, AT, PL, IE and CZ) asked for the standard VAT point to be removed, considering that the point is not "ripe for decision".

37. Council Decision establishing the position to be taken by the European Union within the Committee on Government Procurement on the withdrawal of the Union objections to the delisting of three entities from Japan's Annex 3 to Appendix I to the Agreement on Government Procurement

- Adoption

12861/14 WTO 238 MAP 36 MI 629

The Committee endorsed the draft Council Decision, as featured in 12861/14, revised by lawyers-linguists. This document would be inscribed for adoption without discussion to the agenda of the General Affairs Council on 21 October 2014.

Three delegations announced their intention to enter a declaration into the Council's minutes.

38. Preparation of the Council meeting (Foreign Affairs) on 20 October 2014

a) Ebola (restricted session)

- Draft Council conclusions

14372 COAFR 291 COHAFA 99 SAN 392

The Commission briefed on the situation, including on the finalisation of work on a commercial option for medical evacuation as well as on the relevant procedures. The EEAS referred to the FAC conclusion on Ebola as well as to ongoing work requested by PSC on prudent planning and on the wider impact of the Ebola crisis on the political, economic and security situation of the region.

The Committee will revert to the issue in order to ensure coherence of the different strands of work.

The Committee, at its meeting on 20 October 2014, approved the draft Council conclusions on Ebola, as set out in 14485/14 in view of their adoption by the Council the same day.

b) Ukraine

- Draft Council conclusions

14234/14 COEST 369

The Committee confirmed the agreement reached on 20 October 2014 by the Political and Security Committee on the draft Council conclusions on Ukraine and agreed to submit them to the Council for adoption, as set out in 14235/14.

c) Iraq/Syria/ISIL

- Draft Council conclusions

14408/14 PESC 1069 COMEM 183 COMAG 87 COHAFA 101 COTER 71
SY 8 IRAQ 1

The Committee examined the draft Council conclusions on the ISIL/Da'esh crisis in Syria and Iraq on the basis of document 14408/14 and agreed to forward them to Council for adoption, as set out in 14472/14.

d) MEPP/Gaza

This item was not discussed.

e) Libya

- Draft Council conclusions

14237/14 LIBYE 12 COMAG 86 PESC 1051

The Committee examined the draft Council conclusions on Libya on the basis of document 14237/14 and agreed to forward them to Council for adoption, as set out in 14430/14.

f) Other items in connection with the Council meeting

The Committee did not discuss other items in connection with the Council meeting.

39. Draft amending budgets No 3 and 5 to the general budget for 2014

The Committee held an exchange of views on draft amending budgets No 3 and 5 to the general budget for 2014. The Committee instructed the Budget Committee to continue its work in order to prepare an agreement on a Council position that could be supported by a qualified majority of Member States.

Coreper Part 1

II

46. 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)

- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency debriefed the Committee on the first trilogue held on 14 October 2014 where scope, security requirements and incident notification, implementation and enforcement, strategic and operational cooperation were discussed. The assessment of the participants was that there is a good basis for the approximation of positions.

The second trilogue is tentatively scheduled on 4 November 2014.

47. 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)

- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the outcome of the first trilogue which took place on 14 October 2014. Following a technical meeting with the EP where the Amendments will be discussed in detail, the Committee will examine a revised compromise text. The next informal trilogue should take place on 4 November 2014.

48. 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)

- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information given by the Presidency on the outcome of the first informal trilogue held on 15 October 2014 and the major elements discussed by the Institutions.

49. Preparation for the Council meeting (Environment) on 28 October 2014

- 1. Proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (First reading)**

(Legislative deliberations)

- **Orientation debate**

11598/14 ENV 655 COMPET 439 SAN 275 MI 520 IND 204 CONSOM 143
ENT 153 CODEC 1570

+ ADD 1

14060/14 ENV 816 COMPET 562 SAN 382 MI 753 IND 282 CONSOM 197
ENT 219 IA 8 CODEC 1977

The Committee took note of the questions prepared by the Presidency as set out in 14060/14 and agreed to forward them to the Council in view of the orientation debate at its meeting on 28 October 2014.

- 2. Preparations for the 20th session of the Conference of the Parties (COP 20) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 10th session of the meeting of the Parties to the Kyoto Protocol (CMP 10) (Lima, Peru, 1-12 December 2014) (*Non-legislative activity*)**

- **Adoption of Council conclusions**

13736/14 CLIMA 85 ENV 793 ONU 111 DEVGEN 213 ECOFIN 858 ENER 412
FORETS 70 MAR 151 AVIATION 190

The Committee discussed the draft contained in document 13736/14, focusing on the outstanding issues, and agreed to send the draft, without any changes, to the Council for further consideration and adoption.

- 3. Greening the European semester and the Europe 2020 Strategy - Mid-term review (*Non-legislative activity*)**

- **Adoption of Council conclusions**

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

13802/14 ENV 796 ECOFIN 868 SOC 661 COMPET 547 EDUC 294 ENER 417
FISC 147 IND 270 CONSOM 186 STATIS 99

The Committee examined the draft conclusions and agreed to transmit a modified text, with a number of outstanding reservations, to the Council, in view to their discussion and adoption on 28 October 2014.

50. Proposal for a Directive of the European Parliament and the Council on the dissemination of Earth observation satellite data for commercial purposes (First reading) (Legislative deliberation)

- Guidance for future work

14038/14 ESPACE 81 COMPET 561 IND 281 MI 752 CSDP/PSDC 562

CSC 220 TRANS 467 RECH 392 CODEC 1971

After discussion, the Committee invited the Commission to provide additional elements of information to be integrated in its Impact Assessment before the SPACE WP starts the analysis of the current legislative proposal.

– Any other business

a) 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)

- Information from the Presidency

The Committee took note of the information provided by the Presidency.

**b) Regulation No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU
Appointment of TEN-T coordinators**

- Information from the Commission

The Committee took note of the information provided by the Commission.
