



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 18 October 2013
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14329/13

CRS/CRP 34

SUMMARY RECORD

Subject: 2468th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 2 and 4 October 2013

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

doc. 14144/13 OJ/CRP1 34 + ADD 1 + ADD 2
14145/1/13 REV 1 OJ/CRP2 34

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

The following items are **added** :

(Coreper Part 2, under I)

51. Proposal for a Council Directive amending Council directive 2010/18/EU because of the change in status of Mayotte

- **Validation**

14220/13 POSEIDOM 11 REGIO 211 ENV 874 AGRI 613 SOC 749 SAN 363
+ ADD 1

52. Proposal for a Directive of the Council amending certain Directives in the fields of environment, agriculture, social policy and public health by reason of the change of status of Mayotte with regard to the Union

- **Validation**

14221/13 POSEIDOM 12 REGIO 212 ENV 875 AGRI 614 SOC 750 SAN 364
+ ADD 1

53. Restrictive measures against Iran:

- **Letters to entities whose listings under Council Decision 2010/413/CFSP and Council Regulation (EU) No 267/2012 were annulled by the judgments of the EU General Court in Case T-12/11 (Iran Insurance Company), Case T-13/11 (Post Bank Iran), Joined Cases T-4/11 and T-5/11 (Export Development Bank of Iran), Case T-110/12 (Iran Offshore Engineering & Construction Co.) and Case T-493/10 (Persia International Bank plc.)**

14032/13 PESC 1142 CONUN 107 COMEM 216 CONOP 114
COARM 128 FIN 561

(Coreper Part 1, under I)

54. Faroe Islands and European Union arbitration

- **Nomination of arbitrators**
- **Decision to use the written procedure**
14168/13 PECHE 409

55. Draft Joint Statement on establishment of marine protected areas in the Southern Ocean, Antarctica

- **Decision to use of the written procedure for the adoption**
14227/13 PECHE 415

(Coreper Part 1, under II)

17. Preparation for the Council meeting (Environment) on 14 October 2013

3. CO₂ emissions

- a) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (First reading) (*Legislative deliberation*)**
12733/12 ENV 628 ENT 681 CODEC 1935
- b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles (First reading) (*Legislative deliberation*)**
12747/12 ENV 630 ENT 182 CODEC 1945
- = Analysis of the final compromise text with a view to agreement**
11550/13 ENV 637 ENT 205 CODEC 1602
11551/13 ENV 638 ENT 206 CODEC 1603

56. 8th meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions (WG8J-8) of the Convention on Biological Diversity (Montreal, 7-11 October 2013): terminology issue

- Establishment of the position of the European Union and its Member States**
14272/13 ENV 880 COHOM 221 ONU 96

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

DE made a statement on the following item :

38. Proposal for a Council Regulation on the establishment of an evaluation mechanism to verify the application of the Schengen acquis

13570/13 JAI 766 SCHENGEN 30 SCH-EVAL 113 FRONT 122

COMIX 494

+ ADD 1

10597/13 JAI 467 SCHENGEN 21 SCH-EVAL 87 FRONT 70 COMIX 356

"Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) is based in particular on Article 62(1) and (2)(a) of the Treaty establishing the European Community, which has now been replaced by Article 77 of the Treaty on the Functioning of the European Union.

According to those provisions, the Union is to develop a policy with a view to, inter alia, ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders. Article 72 of the TFEU makes it clear that Title V of the TFEU, to which Article 77 belongs, does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security. Thus while the legislative powers of the European Union do extend to regulating the crossing of the internal borders, they do not stretch to the exercise of police powers to maintain law and order and safeguard internal security.

The Federal Republic of Germany therefore expects that the evaluation mechanism will also deal only with whether there really is an absence of any controls when crossing internal borders and not with the exercise of police powers within the territory. The exercise of police powers within the territory falls exclusively within the scope of national sovereignty and is not covered by the evaluation mechanism."

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CZ made a statement on the following item :

41. Draft Council Decisions on the conclusion of the "Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part"

- **Request by the Council for the consent of the European Parliament**
12009/1/13 REV 1 COASI 108 ASIE 32 PESC 825 COHOM 146 CONOP 85
COTER 82 JAI 595 WTO 151 AGRI 454 ENER 350 TRANS 371
TELECOM 191 ENV 673 EDUC 291

"The Czech Republic holds the view that Council decisions adopted in accordance with Article 218 TFEU throughout the process of concluding the so-called mixed agreements should relate to individual agreements in their entirety. A splitting into two decisions, each of them referring to different articles of an agreement, does not seem to be necessary and could lead to cumbersome procedures.

The Czech Republic notes that the established practice is to conclude only one Council decision relating to an agreement as a whole. With respect to the Case C-377/12 *European Commission against Council of the European Union*, pending before the Court of Justice of the European Union, we consider the modification of this practice as premature."

* * * * *

The Commission made a statement on the following items :

51. Proposal for a Council Directive amending Council directive 2010/18/EU because of the change in status of Mayotte

- **Validation**
14220/13 POSEIDOM 11 REGIO 211 ENV 874 AGRI 613 SOC 749 SAN 363
+ ADD 1

52. Proposal for a Directive of the Council amending certain Directives in the fields of environment, agriculture, social policy and public health by reason of the change of status of Mayotte with regard to the Union

- **Validation**
14221/13 POSEIDOM 12 REGIO 212 ENV 875 AGRI 614 SOC 750 SAN 364
+ ADD 1

"The Commission notes the unanimous decision to replace the legal bases of its proposals by Article 349 TFEU as the sole legal basis. The Commission maintains its view that the legal bases referred to in its proposals are the correct ones and considers that Article 349 TFEU is not the right legal basis for the above-mentioned amendments. The Commission, therefore, reserves the right to make use of all the legal means at its disposal."

Coreper Part 1

II

13. Proposal for a Regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020 (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
13943/13 ECOFIN 815 EF 180 SURE 13 DRS 172 CODEC 2091

The Committee reached agreement on a mandate for the first informal trilogue with the European Parliament on the basis of the compromise text set out in 13943/13.

14. Amended proposal for a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the acquisition and preservation of supplementary pension rights (First reading) (Legislative deliberation)

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

The Committee was informed of the main results of the first informal trilogue held on 25 September 2013.

15. 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 on the outcome of the informal trilogue**

The Committee was informed on the results of the fourth informal trilogue held on 30 September 2013.

16. Proposal for a Regulation of the European Parliament and of the Council on occurrence reporting in civil aviation amending Regulation (EU) No 996/2010 and repealing Directive No 2003/42/EC, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007 (First reading) (Legislative deliberation)

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

The Presidency informed the Committee on the results of the first informal trilogue with the European Parliament, held in Brussels on 30 September 2013.

17. Preparation for the Council meeting (Environment) on 14 October 2013

1. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste (First reading) (*Legislative deliberation*)

– Exchange of views

12633/13 ENV 737 MI 666 RELEX 691 CODEC 1809

13873/13 ENV 842 MI 782 RELEX 843 CODEC 2070

The Committee took note of the two questions prepared by the Presidency to guide the exchange of views to be held in Council (Environment) on 14 October 2013.

2. Preparations for the 19th session of the Conference of the Parties (COP 19) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 9th session of the Meeting of the Parties to the Kyoto Protocol (CMP 9) (Warsaw, Poland, 11-22 November 2013) (*Non-legislative activity*)

– Adoption of Council conclusions

13978/13 ENV 851 ONU 93 DEVGEN 239 ECOFIN 821 ENER 428

FORETS 51 MAR 138 AVIATION 158

The Committee discussed the abovementioned draft Council conclusions. On this basis, the Presidency proposed to amend paragraphs 1 and 19. The revised text will be sent to the Council (Environment) on 14 October 2013 with a view to resolving the outstanding issues and adopting the conclusions.

3. CO₂ emissions

a) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (First reading) (*Legislative deliberation*)

12733/12 ENV 628 ENT 681 CODEC 1935

b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles (First reading) (*Legislative deliberation*)

12747/12 ENV 630 ENT 182 CODEC 1945

= Analysis of the final compromise text with a view to agreement

11550/13 ENV 637 ENT 205 CODEC 1602

11551/13 ENV 638 ENT 206 CODEC 1603

a) The Committee considered the overall compromise package set out in document 11550/13 and decided to refer the matter to the Council.

- b) The Committee approved the overall compromise package set out in document 11551/13 and authorised the Presidency to address the letter to the European Parliament with a view to a first reading agreement.

18. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 10 October 2013

1. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency (First reading) (*Legislative deliberation*)

– **General approach**

6347/13 TRANS 60 MAR 17 AVIATION 20 CAB 6 ESPACE 11 FIN 82

CSC 12 CODEC 315

14036/13 TRANS 491 MAR 140 AVIATION 159 CAB 36 ESPACE 69 FIN 562

CSC 105 CODEC 2115

The Committee examined the Presidency's compromise proposals included in the above mentioned document, resolved the outstanding issues and agreed to submit it to the TTE Council on 10 October 2013 for adoption.

Furthermore, the Committee agreed to enter into these minutes the following DE statement:

"The Federal Republic of Germany is not opposed to the adoption of the proposed overall compromise for the Regulation amending Regulation (EU) No 912/2010 setting up the European GNSS Agency, but points out that it rejects in principle the European Commission's right to veto the election of the Executive Director of Agencies (Article 5(7)).

There is no provision for any such right of veto in the Common Approach for EU Agencies and it is contrary to the wording of Article 6(4) and the third subparagraph of Article 15b(2) of this Regulation.

The European Commission already has considerable influence in this area, since it draws up the shortlist of candidates for the Executive Director. An additional right to veto the election is therefore inappropriate. The current Agency Regulation (EU) No 912/2010 does not recognise this right of veto either.

The agreement of the Federal Republic to the proposed overall compromise does not represent any change in Germany's position on the Common Approach for EU Agencies and is without prejudice with regard to other agencies."

2. 4th Railway Package

Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast) (First reading) (*Legislative deliberation*)

– General approach

6014/13 TRANS 40 CODEC 227

13956/13 TRANS 485 CODEC 2097

The Committee examined the Presidency's compromise proposals included in the above mentioned document with a view to preparing the general approach for the TTE Council on 10 October 2013.

19. Amended proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European telecommunications networks and repealing Decision No 1336/97/EC (First reading) (Legislative deliberation)

– Presidency debriefing on the outcome of the informal trilogue

The Presidency informed the Committee of the main issues addressed at the first informal trilogue which took place on 2 October 2013, namely Broadband targets and financing, where the European Parliament calls for higher targets and a higher percentage of the budget than the Council, and priorities for Digital Services Infrastructure, where the EP would like to put Europeana and Safer Internet for Children as first priority. Besides, some divergence of approach with the Commission regarding governance (role of expert group vs committee) was noted. FR pointed out the inconsistency between a revised proposal with a far reduced budget and little impact on infrastructure projects and the EP's calls for a large percentage of the budget to be devoted to infrastructure.

The Committee will return to this file on 30 October 2013 in preparation of the 2nd and tentatively final, trilogue scheduled on 5 November 2013.

20. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 15 October 2013

1. Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (First reading) (*Legislative deliberation*)

– **General approach**

13942/13 SOC 719 MI 790 COMPET 671 CODEC 2090

+ COR 1

The Committee considered the Presidency's overall compromise proposal, as set out in 13942/13. The Presidency concluded to forward this compromise proposal to EPSCO Council with a view to reaching a general approach.

It agreed to forward a joint proposal of 11 MS to the EPSCO Council.

2. Youth Employment (*Non-legislative activity*)

– **Exchange of views**

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

a) European Alliance for Apprenticeships

– **Adoption of Council declaration**

13568/13 SOC 682 ECOFIN 790 EDUC 334 JEUN 78

b) Current initiatives

– **State-of-play**

13904/13 EMPL 2 SOC 708 EDUC 344 ECOFIN 809 JEUN 80

The Committee agreed to submit the draft Declaration (set out in 13568/13) to the EPSCO Council for adoption, and it invited the Council to hold an exchange of views, for which it contributed through its note on the state-of-play (doc. 13904/13), on the topic of youth employment.

3. European Court of Auditors' special report No 7/2013: Has the European Globalisation Adjustment Fund delivered EU added value in re-integrating redundant workers? (*Non-legislative activity*)

– **Adoption of Council conclusions**

14037/13 FIN 563 SOC 728 ECOFIN 826 FSTR 112 COMPET 678 AGRI 606

The Committee agreed to submit the draft Council conclusions (set out in 14037/13) to the EPSCO Council for adoption.

21. Proposal for a Regulation of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived (First reading) (Legislative deliberation)

– Preparation for the informal trilogue

14055/13 SOC 733 FSTR 113 CADREFIN 243 REGIP 208 CODEC 2122

The Committee examined and amended the text as set out in Annex to document 14055/13 as follows:

- Following an IT suggestion, recital 6a, third sentence, to read: "Furthermore, the allocation also takes into account the different ways of assisting the most deprived persons in the Member States".
- In Article 6(1) a mistake was corrected: instead of "*in current prices*" to read "*in 2011 prices*";
- The following figures in Annex III were corrected: FR EUR 443 million, IT EUR 595 million, PL EUR 420 million and RO EUR 391.3 million and correcting the total sum therefore. The Chair requested that for Annex III, the remaining three allocations pending : BE, DE and NL, should be confirmed by Wednesday 9 October 2013 (close of business).
- Article 20(1), second sentence, instead of "*should*" to read "*may*".

On the basis of the text thus amended, the Committee gave the Presidency a mandate to start negotiations with the European Parliament. However, DK and UK maintained their general scrutiny reservations on the proposal and were not in a position to support the mandate.

22. Audit

a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts (First reading) (Legislative deliberation)

b) Proposal for a Regulation of the European Parliament and of the Council on specific requirements regarding statutory audit of public-interest entities (First reading) (Legislative deliberation)

– Preparation for the informal trilogue

14053/13 DRS 175 CODEC 2120

The Committee agreed on a mandate for a first trilogue with the European Parliament, on the basis of the text set out in 14647/13.

23. **Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases (First reading) (Legislative deliberation)**
– **Preparation for the informal trilogue**
14028/13 ENV 857 ENT 259 MI 799 CODEC 2113

The Committee agreed to a Presidency mandate in view of a first informal trilogue to be held on 7 October 2013 in the framework of negotiations with the European Parliament to reach an agreement in first reading on the proposed Regulation.

24. **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (First reading) (Legislative deliberation)**
– **Analysis of the final compromise text with a view to agreement**
11550/13 ENV 637 ENT 205 CODEC 1602

See item 17.3a.

25. **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles (First reading) (Legislative deliberation)**
– **Analysis of the final compromise text with a view to agreement**
11551/13 ENV 638 ENT 206 CODEC 1603

See item 17.3b.

56. **8th meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions (WG8J-8) of the Convention on Biological Diversity (Montreal, 7-11 October 2013): terminology issue**
– **Establishment of the position of the European Union and its Member States**
14272/13 ENV 880 COHOM 221 ONU 96

After a brief discussion, the Committee could not reach a consensual agreement on the establishment of the abovementioned position in relation to the terminology issue. The Presidency invited delegations to align themselves, during the WG8J-8 meeting, with the draft position that could be supported by 27 delegations and the Commission. Denmark stated that it will align itself with all other elements of the draft position, except the terminology issue. The Commission also invited delegations to continue discussions during coordination on the spot.

Coreper Part 2

II

43. Presentation of the agenda of the Council meeting (Foreign Affairs) on 21 October 2013

The draft agenda for the October Foreign Affairs Council will include:

- introductory remarks by the HR on MEPP and the Kosovo-Serbia dialogue;
- Eastern Partnership in view of the Vilnius Summit (poss. conclusions), Ukraine, (poss.) Belarus;
- Southern Neighbourhood (Syria and Egypt);
- Myanmar-Burma: in preparation of lunch with Aung San Suu Kyi.

While a number of delegations requested a discussion on BiH, some other delegations reminded that this item had already been discussed quite recently. FR asked for a discussion on the Central African Republic; DE requested a discussion on the comprehensive approach in view of the fact that Defence issues will be treated at the European Council.

44. Preparation of the Council meeting (Foreign Affairs/Trade) on 18 October 2013

- **Other items in connection with the Council meeting**

Further to the provisional agenda approved by the Committee on 25 September 2013, the Chairman of the Committee presented some additional information regarding the Foreign Affairs Council (Trade) meeting on 18 October 2013.

Certain delegations requested to add "China - anti-dumping/anti-subsidy measures on wine" as a full item to the Council agenda. The Chairman indicated that the Presidency would consult with those delegations on the most appropriate way of including that item on the agenda.

Some delegations commented on declassification of the TTIP negotiating directives. Council Legal Service clarified some procedural aspects in this respect.

45. Preparation of the Council meeting (Economic and Financial Affairs) on 15 October 2013

- **Other items in connection with the Council meeting**

The Committee took note of developments regarding the organisation of this Council.

46. Relations with the European Parliament (October 2013)

13844/13 PE 410 INST 490 POLGEN 170 CODEC 2065

The Committee held a discussion on relations with the European Parliament on the basis of the document 13844/13.

47. Preparation of the Council meeting (Justice and Home Affairs) on 7/8 October 2013

- a) **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 one-stop-shop mechanism**

14074/1/13 REV 1 DATAPROTECT 134 JAI 829 MI 802 DRS 177 DAPIX 115
FREMP 137 COMIX 519 CODEC 2128

The Presidency presented its revised note. Following a lengthy debate, the Presidency indicated that it endeavour to further simplify the questions submitted to the Council, while at the same time ensuring that the Ministers were invited to make clear choices regarding the one-stop-shop mechanism.

- b) **Proposal for a Directive of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (First reading)**

- **General approach**

14085/13 DROIPEN 114 JAI 831 ECOFIN 831 UEM 320 GAF 44
CODEC 2131

Following a very brief discussion, it was concluded by the Presidency that delegations seemed to agree to the current text of the proposal, and that accordingly, the text would be submitted to the JHA-Council of 7 October 2013 for a general approach.

c) Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency concerning other items on the agenda of the next meeting of the JHA Council.

It was in particular indicated that the VP/HR will participate in the debate on the "Capabilities for civilian CSDP missions" (AOB item). The EEAS will present a fact-sheet on this issue in order to prepare the debate.

The Committee was informed also that the Council would be briefed on the state of play concerning the negotiations with the EP on the MFF Home Affairs files.

48. Multiannual Financial Framework 2014-2022 (Home Affairs)

- **Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (First reading)**
 - = **Budgetary provisions**
13584/13 JAI 769 ASIM 73 MIGR 97 ASILE 41 CADREFIN 232 CODEC 2011

The Committee heard the position of several Member states on the distribution of funding within the Fund. The Committee obtained agreement by the qualified majority on the budgetary provisions, as formulated by the Presidency in document 13584/13, and concluded that the budgetary provisions could be added to the partial general approach reached in December 2012.

49. Presentation of the agenda of the Council meeting (General Affairs) on 22 October 2013

The Committee took note of the information provided by the Presidency regarding the main issues of the October General Affairs Council, including inter alia, the preparations for the October EC (draft conclusions), the lessons learnt from the 2013 European Semester exercise and the macro-regional strategies.

50. Follow-up to the Council meeting (General Affairs) on 30 September 2013

The Committee took note of the main issues examined during the September General Affairs Council, namely the draft annotated agenda for the October 2013 EC and the cohesion policy legislative package.

- **Any other business**
 - **38th ICAO General Assembly (Montreal, 24 September - 4 October 2013)**
 - = **Information from the Commission on the state of play**

The Commission informed the Committee about the state of play of the 38th ICAO General Assembly's negotiations on a Resolution on climate change.
