



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 31 October 2013
(OR. en)**

14874/13

CRS/CRP 36

SUMMARY RECORD

Subject: 2470th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 16 and 17 October and in Luxembourg on 21 October 2013

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

doc. 14802/13 OJ/CRP1 36 + COR 1
14803/2/13 REV 2 OJ/CRP2 36 + CM 4856/13

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

The following items are **added** :

(Coreper Part 2, under I)

64. Resolutions, decisions and opinions adopted by the European Parliament at its part-sessions in Strasbourg from 7 to 10 October 2013
14905/13 PE-RE 11

65. Draft Council conclusions on Bosnia and Herzegovina
15041/13 COWEB 153 PESC 1249

(Coreper Part 2, under II)

60. Preparation of the Council meeting (Foreign Affairs) on 21 October 2013
= **Draft Council conclusions on Syria**
15053/13 SY 15 COMAG 101 COHAFA 115 PESC 1251

63. Presentation of the agenda of the Council meeting (General Affairs) on 30 October 2013

The following items are **withdrawn** :

(Coreper Part 1, under I)

- 3. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime**
- **Request by the Council for the consent of the European Parliament**
12165/13 GENVAL 49 CRIMORG 99 ENFOPOL 235 MI 626 UD 178
COARM 112
+ COR 1
12324/13 UD 187 GENVAL 52 CRIMORG 101 ENFOPOL 241 MI 642
COARM 116
14115/13 UD 247 GENVAL 60 CRIMORG 116 ENFOPOL 303 MI 806
COARM 130

5. Proposal for a Council Decision authorising the Commission to open negotiations on behalf of the European Union on amendments to the Agreement establishing the General Fisheries Commission for the Mediterranean (GFCM), Rules of Procedures of GFCM and Financial Regulations of GFCM

- **Adoption**
13821/13 PECHE 391
14579/13 PECHE 436
+ ADD 1

(Coreper Part 1, under II)

17. 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)

- **Preparation for the informal trilogue**
14682/13 AVIATION 179 CODEC 2250

(Coreper Part 2, under I)

57. Draft Council conclusions on Central Africa Republic
14641/13 COAFR 311 COHAFA 110 PESC 1207 COHOM 228 ACP 157

(Coreper Part 2, under II)

59. (poss.) Proposals for external financing instruments under Heading 4 (2014/2020) (First reading)

- **Preparation of the eighth informal trilogue**

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

A joint statement is made by CY, FR, GR, PL, PT, ES and BE on the following item :

31. Commission Delegated Regulation (EU) No .../. of 28.8.2013 establishing Annex III to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences

- **Intention not to raise objections to Commission Delegated Act adding to the list of beneficiary countries of the GSP+ the following countries: Armenia, Bolivia, Cape Verde, Costa Rica, Ecuador, Georgia, Mongolia, Pakistan, Paraguay and Peru**
14732/1/13 REV 1 SPG 16 WTO 248 DELACT 52
13255/13 SPG 11 WTO 185 DELACT 43

"We oppose European Commission's Delegated Act, adopted on the 28th August, on a first set of GSP+ candidatures.

We argue the procedure adopted by the European Commission that has chosen to present its decision on the ten applications to GSP+ in a single Delegated Act. This "package" decision is a possibility admitted by the GSP Regulation under article 290 of TFEU, but it is not a legal imposition.

It would have been possible for the Commission to adopt a single Act for each candidature. A Delegated Act on each candidature would allow an individual analysis of each candidature on the basis of its own merits.

We sustain that European Commission's option has systemic implications, distorting the legislative process, at it diminishes the control role of the other Institutions: Council and European Parliament. And it may represent a precedent for the future, which we want to prevent."

ES made a statement on the following item :

24. Proposal for a Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (EUROSUR) (First reading)

- Adoption of the legislative act

PE-CONS 56/13 FRONT 86 COMIX 390 CODEC 1550

+ REV 1 (de)

14801/13 CODEC 2276 FRONT 150 COMIX 558

+ ADD 1

+ ADD 2 REV 1

"Spain endorses the establishment of a European Border Surveillance System (EUROSUR) for the exchange of information and cooperation between the Member States and FRONTEX for the purpose of detecting, preventing and combating illegal immigration and cross-border crime, contributing to ensuring the protection, and saving the lives, of migrants.

Since 2008, Spain has been working on the pilot project designed to improve situational awareness and increase reaction capability at its external borders.

Nevertheless, Spain cannot vote in favour of the text of the Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (PE-CONS 56/13) since, as that Regulation constitutes a development of Schengen, its Article 19 and recital 16 concerning the participation of Ireland and the United Kingdom contravene Protocol No 19 on the Schengen acquis integrated into the framework of the European Union."

Coreper Part 1

II

11. **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)**

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

The Committee was debriefed by the Presidency on the outcome of the informal trilogue on 15 October 2013.

12. **Proposal for a Regulation of the European Parliament and of the Council on a consumer programme 2014-2020 (First reading) (Legislative deliberation)**

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

The Presidency informed the Committee of the successful outcome of the last informal trilogue and indicated the final agreement on the last open issue.

13. **Proposal for a Regulation of the European Parliament and of the Council on establishing a Health for Growth Programme, the third multi-annual programme of EU action in the field of health for the period 2014-2020 (First reading) (Legislative deliberation)**

- **Preparation for the informal trilogue**

14606/13 SAN 383 PHARM 54 MI 855 CADREFIN 257 CODEC 2237

The Committee agreed the text as set out in the Annex to document 14606/13 with the addition of "*and set out in particular the actions to be undertaken, including the indicative allocation of financial resources*" in Article 11.2.

Commission expressed a reservation on Article 11.1, second subparagraph. The recital on prior consultation of the Member States would be acceptable. Hungary disagreed with Article 7.3.

14. Agency for the Cooperation of Energy Regulators (ACER)

- **Decision regarding the Members of the Administrative Board to be appointed by the Council**
14556/1/13 ENER 455 REV 1

With a view to preparing a Council Decision for appointments in order to fill in five positions vacant or about to be so at ACER Administrative Board the Committee proceeded to a vote on the basis of document 14556/1/13 REV 1. In the light of the vote the Committee Chairman could conclude that Messrs G. Lentz and J. Penker would be appointed as members while Messrs D. Dauke, P. Kovacs and R. Svedas would be appointed as alternates. This Decision will be submitted for adoption as I/A item once finalised.

15. Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (Legislative deliberation)

- **Guidance for future work**
14360/13 ENER 448 ENV 889 ENT 264 TRANS 508 AGRI 630 POLGEN 182
CODEC 2189

While awaiting the final position of the European Parliament on the possibility to engage in negotiations the Committee held an in-depth discussion on the basis of document 14360/13 in order to provide guidance for the future work of the Council on four issues:

- threshold for biofuels produced from crops: while a range of views from 5% to at least 7% was expressed the Chair concluded that the principle of such a threshold should be retained and that 7% was a figure close to the final one, noting that the EP supported 6%;
- a sub-target for advanced biofuels: again a broad range of views from no sub-target at all to one set at 2.5%, which led the Chair to conclude that at least there was broad agreement on the need to stimulate advanced biofuels, noting the link between this sub-target and that for conventional biofuels. The preference for a closed Annex IX, which it should be possible to amend was also noted;
- electricity from renewable sources in transport: there was broad agreement that incentives (multiple counting) should be higher for road than for rail;
- ILUC factors: a number of delegations are not yet convinced of the availability of enough scientific evidence to support the use of these factors in selecting biofuels. The Chair suggested that combining their use for reporting purpose with some review mechanism might be a way forward.

The emerging convergence on the above elements will allow to use them as a basis for the future work of the WP on ILUC.

16. 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)

- Preparation for the informal trilogue

14658/13 SOC 798 PENS 1 ECOFIN 878 CODEC 2243

The Committee renewed the mandate for the Presidency to continue negotiations with the European Parliament at the third informal trilogue on 21 October 2013.

18. Proposal for a Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market (First reading) (Legislative deliberation)

- Guidance with a view to preparation for the informal trilogue

11363/13 PI 132 AUDIO 98 CULT 104 CODEC 1561

The Committee provided the Presidency with guidance with a view to the informal trilogue scheduled to take place on 17 October 2013, on the basis of document 11363/13 + ADD 1.

Coreper Part 2

II

45. Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment (First reading)

- **Preparation for the eighth trilogue**
14683/13 MIGR 109 SOC 799 CODEC 2251

The Committee examined the compromise text submitted by the Presidency in the Annex to document 14683/13. On the basis of the outcome of this examination, the Presidency will engage in the eighth trilogue with the European Parliament.

The Latvian delegation requested to include the following statement in the minutes of the meeting:

"In relation to Articles 6, 7 and 11a of the Directive, Latvia recalls that in its view the principle of proportionality, which is a key principle in the Union's law and in the Member States' law, applies to any decision rejecting an application for authorisation for the purpose of seasonal work, refusing extension of stay or renewal for the purpose of seasonal work or withdrawing authorisation for the purpose of seasonal work."

46. EEAS Review

14766/1/13 REV 1 POLGEN 191 INST 532 PESC 1220 CSDP/PSDC 665
13977/13 POLGEN 179 INST 495 PESC 1131 CSDP/PSDC 613
14458/13 POLGEN 185 INST 519 PESC 1182 CSDP/PSDC 645
+ COR 1

The Committee discussed recommendations 2, 14, 15, 16, 17, 18 and 19 of the EEAS Review Report on the basis of the Presidency note (doc.14766/1/13 REV 1).

47. Presentation of the agenda for the Council meeting (Economic and Financial Affairs/Budget) on 11 November 2013

The Committee approved the draft provisional agenda and took note of practical arrangements for the conduct of proceedings during the upcoming conciliation procedure.

48. High Level Group on Own Resources
- Discussion

The Committee discussed, on the basis of the Presidency's non-paper, the preparatory process for the establishment of the High Level Group on Own Resources, in particular the calendar, the composition and the mandate.

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

a) Preparation of the European Council (24-25 October 2013)

- **Draft European Council conclusions**
12394/13 CO EUR-PREP 36

The Committee examined the main issues of the draft EC conclusions namely, the digital economy, innovation and services, the economic and social policy, the social dimension of the EMU and the Banking Union.

b) European Semester

- **Lessons from 2013 exercise and way forward**
14618/13 CO EUR-PREP 40 POLGEN 190 ENV 916 ENER 459 MI 854
RECH 451 COMPET 714 IND 276 ECOFIN 873 SOC 793
EDUC 385 TELECOM 258 JHA 882

The Committee took note of the synthesis report prepared by the Presidency on the lessons learnt from the 2013 European Semester and way forward for 2014. The synthesis report is based on discussions in other Council formations.

c) Enlargement : Accession negotiations with Turkey - Chapter 22 : Regional policy and coordination of structural instruments
15039/13 ELARG 142

The Committee discussed the handling of the EU Common Position for Chapter 22: Regional policy and coordination of structural instruments with Turkey, in view of the General Affairs Council of 22 October 2013. The Committee noted general agreement to moving ahead on this negotiating chapter, although one delegation maintained a parliamentary scrutiny reserve. It was also noted that the Committee would return to this matter in Luxembourg on 21 October 2013, if necessary.

The Committee, at its meeting in Luxembourg on 21 October 2013, took note of the confirmation of the NL delegation that it could lift its parliamentary scrutiny reserve on this item and that it could agree to the item being included on the agenda of the meeting of the General Affairs Council on 22 October 2013.

d) Other items in connection with the Council meeting

Under AOB the FR delegation will inform on the latest developments for the establishment of a macro-regional strategy for the Alpine Region.

50. Relations with the European Parliament (October II 2013)

14502/13 PE 444 INST 525 POLGEN 188 CODEC 2216

The Committee held a discussion on relations with the European Parliament on the basis of the document 14502/13.

51. Follow-up to the Council meeting (Economic and Financial Affairs) on 15 October 2013

- The day started with the ministerial dialogue with EFTA countries, during which Ministers had an exchange of views on cooperation in the field of financial services with a particular focus on regulation and supervision.
- This was followed by breakfast where the discussion focussed on the Eurogroup debrief and economic situation.
- The Council was preceded by an informal session on three topics. First Ministers had an exchange of views on the basis of an EFC note on backstop arrangements in the context of banks' asset quality reviews and stress tests. Ministers agreed that the communication strategy needs to be prepared well in advance. The EFC was asked to work on the key issues raised with a view to a discussion in ECOFIN in November.
- Next, Ministers explored the various questions and options for setting-up support mechanisms for resolution funds and non-euro area SSM/SRM participants. The EFC was mandated to further work on the issue and report back in November.

- Ministers also had an exchange of views on the approach foreseen by the Commission regarding the investment clause in the preventive arm of the Pact. The Presidency will report in a letter to the PEC that the ECOFIN was divided on the topic.
- During the formal Council meeting, the Single Supervisory Mechanism was adopted as an A item.
- Ministers were then updated on the progress on key legislative files.
- This was followed by an exchange of views on indicators for economic policy co-ordination and on the Commission-EIB SME initiative. The Presidency will summarise both discussions in a letter to the President of the European Council ahead of the October European Council.
- Afterwards there was an exchange of views on the lessons learnt from the 2013 European semester exercise and possible improvements for 2014. The Presidency will take into account the discussion when preparing the synthesis report for the General Affairs Council.
- The Council was then debriefed on the main outcomes of the G20 Ministerial and IMF meetings in Washington on 10-13 October. The Commission and Presidency will shortly send Ministers their joint debriefing letter on the G20 outcomes.
- Finally, the Council confirmed the agreement recently reached by the Committee on the draft Council conclusions regarding climate finance.

52. Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union (First reading)

- Request for guidance on Articles 5 and 10

14603/13 DROIPEN 117 COPEN 147 CODEC 2235

The Committee discussed questions on Articles 5 and 10 of the draft Directive on the basis of document 14603/13, with a view to providing guidance in the context of the negotiations with the European Parliament.

As regards Article 5, the Council Legal Service made it very clear that the inclusion of 'death', as a situation in which non-conviction based confiscation could be ordered, would be illegal. Various Member States equally expressed their opposition to such inclusion.

A very large majority of Member States stated that they could not agree to the large possibility for non-conviction based confiscation as set out in Article 5(2) as proposed by the European Parliament. The Chair invited the Working Party to look for alternative solutions on this point.

On Article 10, three Member States expressed misgivings on the proposal for a compromise text on Article 10(3), but a large majority of Member States indicated that they could accept such new text, on condition that the European Parliament shows flexibility on other points.

The Chair invited the Working Party to continue its work on this file on that basis with a view to reaching an agreement with the European Parliament in the near future.

53. Enlargement Package 2013
- Presentation by the Commission

The Committee took note of the presentation by the Commission of its 2013 Enlargement Communication and Progress Reports. The Presidency indicated that these documents would be discussed in the competent Council bodies (Enlargement and COWEB Working Parties) in the course of October and November. The Committee will return to discuss a draft of Council conclusions from 27 November 2013 onwards in view of the General Affairs Council on 17 December 2013.

60. Preparation of the Council meeting (Foreign Affairs) on 21 October 2013
- Eastern Partnership

The Committee prepared the 21 October 2013 FAC discussions on the preparations for the Vilnius Eastern Partnership Summit.

- Southern Neighbourhood

The Committee did not discuss this sub-item.

- Myanmar/Burma

The EEAS representative indicated that in preparation of the ministerial lunch with Nobel Peace Prize laureate Daw Aung San Suu Kyi and based on the Comprehensive Framework for the European Union's policy and support to Myanmar/Burma, adopted by the Council in July 2013, the Council will have an exchange of views on the evolution of the reform process in Myanmar/Burma and the challenges in the run-up to the 2015 elections.

- **Draft Council conclusions on Syria**
15053/13 SY 15 COMAG 101 COHAFA 115 PESC 1251

The Committee discussed draft Council conclusions on Syria, as set out in document 15053/13, and forwarded them for discussion and possible adoption to the Foreign Affairs Council (FAC).

- **Other items in connection with the Council meeting**
No items were raised under this sub-item.

61. Cohesion Policy legislative package (First reading)

- **Validation of trilogue results**
14403/13 FSTR 119 FC 69 REGIO 219 SOC 777 AGRISTR 115 PECHE 427
CADREFIN 249 CODEC 2196
+ ADD 1-7

The Committee:

- agreed on the results of the negotiations with the European Parliament as set out in Addenda 1-6;
- agreed on the joint declaration on Article 1 of the CPR;
- took note of the PL statement on the delegated acts regarding the IT systems of the Member States to be issued pursuant to art. 114 (8) and art. 114 (9) of the Common Provisions Regulation (CPR);
- invited the Presidency to inform the EP accordingly.

"Statement by Poland
on the delegated acts regarding the IT systems of the Member States to be
issued pursuant to art. 114 (8) and art. 114 (9) of the Common
Provisions Regulation (CPR)

Poland understands that the change in the classification of the acts referred to in article 114(8) (concerning the scope of data on each operation to be collected and stored in the IT systems established by the Member States) and article 114(9) (concerning the minimum scope of data and documents required within the audit trail) from implementing acts into delegated acts shall not constitute a basis for the European Commission to increase the scale of the administrative burden on beneficiaries due to the obligations concerning the scope of the data required to be collected and stored in the information systems of the Member States.

Such an effect would in fact be contrary to the aim that has been set for the Commission and the Member States within the roles carried out by them in relation to the ESI Funds, formulated in article 4(10), which is to reduce the administrative burden for beneficiaries, as well as the very concept of the e-Cohesion (article 112(3)). It should be noted that the scope of data and documents covered by the abovementioned delegated acts will determine the scope of data and documents that will be required from the beneficiaries. The mere computerisation of the process of communication between the beneficiary and the institutions that is required to be ensured by the Member State in accordance with article 112(3) cannot be treated as the fulfillment of the objective to reduce the administrative burden for beneficiaries, if at the same time the bureaucratic requirements put on beneficiaries will be increased, e.g. by increasing the scope of data and documents required in the process of the implementation of projects co-financed from EU funds."

62. Cohesion Policy legislative package (First reading)

- Outstanding political issues

The Committee:

- took note of the Member States' positions on the four pending major political issues as presented in the Presidency Non-paper;
- committed to continue the negotiations with the European Parliament along the lines set out in the Presidency Non-paper, while taking account of the concerns certain delegations raised.

63. Presentation of the agenda of the Council meeting (General Affairs) on 30 October 2013

The Presidency presented the agenda for the forthcoming extraordinary meeting of the General Affairs Council on 30 October 2013, which will include the adoption on 2 A items lists concerning the EU 2013 Budget.

- **AOB**
 - = **Proposals for external financing instruments under Heading 4 (2014-2020) (First reading)**
 - **Preparation of the eighth informal trilogue**

The Committee was informed by the Presidency about its intentions for negotiations on the proposals for external financing instruments under Heading 4 at the next informal trilogue with AFET Committee of the European Parliament on 21 October 2013.
