



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 November 2013
(OR. en)**

15212/13

CRS/CRP 37

SUMMARY RECORD

Subject: 2471st meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 1) held in Brussels on 23 October 2013

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21. 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
22. Roadworthiness package (First reading) (Legislative deliberation)
Proposal for a Regulation of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC
23. Proposal for a Regulation of the European Parliament and of the Council on a consumer programme 2014-2020 (First reading) (Legislative deliberation)
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 - a) of the Council's position at first reading
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1. Adoption of the provisional agenda and "I" items
doc. 15098/13 OJ/CRP1 37 + COR 1

The above-mentioned agenda is approved with the following change :

The following CRP1 agenda item is **transferred** from Part I to the "Any other business" :

18. Commission delegated Decision concerning the adoption of the common minimum standards

- **Decision to use the written procedure on the extension of the period for raising objections**

15008/13 TRANS 536 MAR 158 AVIATION 183 ESPACE 79 CSCGNSS 3
DELECT 56

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:

19. Commission delegated Regulation (EU) No .../.. of 12.7.2013 supplementing Regulation (EU) No 911/2010 of the European Parliament and of the Council on the European Earth monitoring programme (GMES) by establishing registration and licensing conditions for GMES users and defining criteria for restricting access to GMES dedicated data and GMES service information

– **Decision not to oppose the adoption**

12386/13 ESPACE 48 COMPET 579 RECH 361 IND 214 TRANS 394 MI 651

ENER 365 ENV 710 COSDP 689 CSC 72 TELECOM 205 DELACT 32

15010/13 ESPACE 80 COMPET 734 RECH 464 IND 283 TRANS 538 MI 893

ENER 472 ENV 934 COSDP 978 CSC 127 TELECOM 267 DELACT 57

"The delegated act proposed by the Commission on the basis of Regulation (EU) No 911/2010 should either supplement the data- and information-policy objectives set out in Article 9 of the basic Regulation in a manner that is non-legislative and generally applicable or amend certain non-essential elements of the relevant legislative act without amending the basic Regulation (see Article 290(1) of the Treaty on the Functioning of the European Union). It is very important for the system's users that the scope of the proposal be made clear in this regard. We therefore regret the fact that the Commission did not submit the proposed delegated act until towards the end of the basic Regulation's lifetime. It is extremely important that it also be made clear, in the transition to the new Regulation, whether the delegated act will continue to apply following the entry into force of the Copernicus Regulation.

Germany therefore regrets the fact that the Council Legal Service has not yet submitted a written legal opinion on this matter, and requests the submission of that advice, on which we must reserve our opinion. Germany considers it particularly important to ascertain whether the proposed delegated act is in line with the enabling framework provided for in Regulation (EU) No 911/2010 and whether the provisions in the delegated act are transferable to the period following the expiry of the basic Regulation."

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- 25. Proposal for a Decision of the European Parliament and of the Council establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (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 informal trilogue held on 16 October 2013.

- 26. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the debriefing provided by the Presidency on the outcome of the second informal trilogue which took place on 17 October 2013 and agreed to return to this file on 30 October 2013.

- 27. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was informed of the main discussions at the first informal trilogue held on 16 October 2013.

- 28. 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 third informal trilogue held on 21 October 2013.

29. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was debriefed by the Presidency on the outcome of the first informal trilogue on 22 October 2013.

30. Proposal for a Regulation of the European Parliament and of the Council concerning the notification to the Commission of investment projects in energy infrastructure within the European Union and replacing Council Regulation (EU, Euratom) No 617/2010 (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
- 14971/13 ENER 469 CODEC 2300

The Committee could endorse the provisional agreement reached at the 1st informal trilogue on 16 October 2013 as reflected in 14971/13, and could agree that the decision confirming this agreement to the European Parliament through a letter from the Chairman of the Committee would be taken as a I item at a coming meeting of the Committee, once the text of the agreement will have been consolidated.

31. Proposal for a Regulation of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union (First reading) (Legislative deliberation)

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

The Presidency informed the Committee of the outcome of the first informal trilogue held in Brussels on 16 October 2013 and indicated that the Committee would revert to this issue in order to prepare the second informal trilogue to be held on 5 November 2013.

32. Proposal for a Council Decision requiring Member States to ratify or to accede to the Hong Kong International Convention for the Safe and Environmentally Sound recycling of ships, 2009, in the interest of the European Union

– **Analysis of the Presidency compromise text**

8173/12 ENV 242 MAR 33 TRANS 101 COMER 71

14999/13 ENV 933 MAR 157 TRANS 535 COMER 236

The Committee considered the Presidency text set out in document 14999/13.

The Commission reiterated that it was the aim of the proposed Council decision to establish coherence between the internal situation - the EU implementing the Hong Kong Convention through the ship recycling Regulation soon to enter into force - and the international objective - Member States ratifying the Hong Kong Convention. Furthermore, according to the Commission, the decision and the ratification of the Hong Kong Convention was required to ensure consistency and provide clarity in relation to the Basel Convention on shipments of waste and the Waste Shipments Regulation. Given the fact that the Union could not be a Party to the Hong Kong Convention, it was for the Member States to act in the interest of the Union in this regard. With the intention to provide a strong message that Member States are committed to the Hong Kong Convention, the Commission presented a new compromise text based on the recently adopted Council decision concerning the Cape Town Agreement relating to the Torremolinos International Convention for the Safety of Fishing Vessels (see doc. 13408/13).

In the following discussion, some delegations maintained their general opposition to a decision on this matter and their concern in relation to the proposed legal basis, Article 218 of the Treaty, that was not correct in their view in the case of an international agreement to which the Union cannot become a Party. The Council Legal Service, invited to provide clarification, indicated that Article 218 also applied in the case of such agreements whenever they result in exclusive competence, like here embedded in Union legislation, and namely the ship recycling Regulation. The Council Legal Service confirmed Commission's view that Member States cannot ratify the Hong Kong Convention, in the absence of a Decision, as the Convention concerns areas of EU competence. This practice was also followed in the Torremolinos case. A number of delegations took the floor to raise their concerns as landlocked countries that could not accept any obligation to ratify the Hong Kong Convention and requested this to be taken into account through the inclusion of a relevant recital.

Following this exchange, the Chair concluded the discussion by reformulating the Presidency compromise, based on parts of the Commission proposal and the suggestion for a recital on the situation of landlocked countries. He invited delegations to indicate, in the framework of an informal written procedure by Friday 25 October close of business (cob), who could not agree with the new compromise of the Presidency.

AT, joined by HU and SI, entered the following statement to the minutes, which will be also entered to the minutes of any future Council meeting that will adopt the decision:

"Concerning Article 1 Austria would like to state that, in our understanding this provision – also in the light of Art. 32 (4) of Regulation (EU) No XX/... of the European Parliament and of the Council on ship recycling – only clarifies that those Member States who wish to ratify the Hong Kong Convention are hereby enabled to do so. Thus in our understanding an obligation to ratify the Convention cannot be derived from Article 1."

SK entered the following statement to the minutes, which will be also entered to the minutes of any future Council meeting that will adopt the decision:

"The Slovak Republic has concerns relating to usage of the Article 218 paragraph 6(a)(v) TFEU and the first sub paragraph of Article 218 paragraph 8 TFEU as a legal basis of the Council decision concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union.

According to the Slovak Republic, the Article 218 TFEU is applicable only to international agreements concluded by the European Union.

Article 218 paragraph 1 TFEU states that "agreements between the Union and third countries or international organisations shall be negotiated and concluded in accordance with the following procedure" .

The phrase "in accordance with the following procedure " takes all the paragraphs of Article 218 TFEU into account.

The Slovak Republic agrees with the Council Decision concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union without prejudice to its reservation against the use of Article 218 TFEU as a legal basis for the decision of the Council."

**33. Joint EU submission to IMO/SDC 1
Proposal for improving the damage stability of new passenger ships (increasing the Required Subdivision Index "R")**

- **Examination of the outstanding issues and endorsement of the text**
14299/13 TRANS 504 MAR 146
15009/13 TRANS 537 MAR 159

The Committee examined the outstanding issue and, as a qualified majority in support of the joint EU submission could not be achieved, decided not to transmit it to IMO.

34. 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

The Committee endorsed the Presidency's mandate for the second informal trilogue, taking due note of the reservations entered by several delegations pending the approval of the compromises reached at expert level by their respective Ministries of Justice.

The Committee also took note of the following statement by the NL delegation:

"The Netherlands attaches great value to securing a high level of protection to persons who report an occurrence, or who are mentioned in an occurrence.

This is essential to improve aviation safety. An important exception are criminal provisions: these are part of national competence.

In article 16, paragraph 3aa, last sentence, of the Presidency compromise proposal, it is mentioned that "Member States may in particular extend this protection to civil or criminal proceedings".

There is broad consensus on the fact that this Regulation cannot and should not govern national criminal law.

This also means according to the Netherlands that this Regulation cannot interfere with Member States' rights to decide upon the precise scope of their criminal law provisions."

- **Any other business**
 - **Commission delegated Decision concerning the adoption of the common minimum standards**
 - **Extension of the period for raising objections**

The Committee agreed to withdraw the above mention item from the list of "I" items and to include it under "Any other business". In addition, the Committee agreed to enter in the minutes of its meeting the following statement:

"The Committee welcomes the European Parliament's decision to extend the period for objecting to the delegated act adopted by the Commission under Article 8 of Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to public regulated services provided by the global navigation satellite system established under the Galileo programme.

The Committee is of the view that, had the European Parliament not already taken this initiative, the Council should have taken the necessary steps to extend the deadline. Indeed the Committee considers that more time is needed to address this delegated act, which is not in line with the text experts were consulted on and which concerns security related issues to which Member States attach great importance. The delegated act will be examined by the Council Security Committee in the course of the month of November."

- **CO2 emissions from new passenger cars**
 - **Information from the Presidency**

The Presidency informed the Committee of recent contacts with the European Parliament on the above with regard to the outcome of discussions within Council (ENV). Further discussions would take place on 5 November 2013. The Presidency undertook to ensure the transparency of the process and to share possible ideas with delegations prior to discussions with the European Parliament.
