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European Union

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SUMMARY RECORD

Subject: 2519th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 19, 20 and 21 November 2014

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

doc. 15597/14 OJ/CRP1 40 + COR 1 + COR 2
15624/1/14 REV 1 OJ/CRP2 40 COMIX 614

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

The following item is **added** :

(Coreper Part 2, under I)

59. Council Decision amending and extending Decision 2010/279/CFSP on the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)

15640/14 PESC 1190 CSDP/PSDC 669 JAI 888 COASI 135 EUPOL/AFG 12
CIVCOM 229 RELEX 940 CSC 251
15234/14 PESC 1144 CSDP/PSDC 638 JAI 848 COASI 133 EUPOL/AFG 11
CIVCOM 224 RELEX 903 CSC 244

The following items are **withdrawn** :

(Coreper Part 1, under I)

25. Draft Decision of the Council authorising the Commission to open negotiations for an agreement enlarging the scope of the agreement on the international occasional carriage of passengers by coach and bus, the "Interbus Agreement", and to cover the international regular carriage of passengers by coach and bus

- **Adoption**
17412/10 TRANS 367 PECOS 8 (EU RESTRICTED)
14892/14 TRANS 498 PECOS 5
+ ADD 1 (EU RESTRICTED)

(Coreper Part 1, under II)

31. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
15382/14 UD 244 AGRI 700 ENFOCUSTOM 122 CODEC 2219

(Coreper Part 2, under I)

- 56. (poss.) – Council Decision amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine and Decision 2014/659/CFSP amending Decision 2014/512/CFSP**
- **Council Regulation amending Regulation 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine and Regulation 960/2014 amending Regulation 833/2014**

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

AT and PT made statements on the following item:

38. Proposal for a Regulation of the European Parliament and of the Council on reporting and transparency of securities financing transactions (First reading)

– **General approach**

15423/14 EF 308 ECOFIN 1042 CODEC 2226

15424/14 EF 309 ECOFIN 1043 CODEC 2227

Statement by AT

"The Austrian constitutional law presently does not allow for administrative pecuniary sanctions in the amount provided for in Article 20 SFT. Therefore, we cannot currently commit to the implementation of this provision, as implementation would require an amendment to constitutional law. It is not predictable whether such an amendment to the Constitution will be adopted."

Statement by PT

"Portugal welcomes the agreement on the Regulation on reporting and transparency of Securities Financing Transactions ('SFT') given its importance to increase transparency in shadow banking sector.

Nevertheless, Portugal regrets the lack of ambition concerning the periodicity of reporting by collective investment undertakings, as it is of primer importance that EU Regulation ensures a timely flow of information towards investors. In this sense, Portugal defends that collective investment undertakings shall report on their SFT transactions on a half yearly basis, rather than on an annual basis, as foreseen in the Council agreement, in line with the current half yearly reporting requirements foreseen in UCITS, and also AIFMD.

Portugal also regrets that the agreement fails to ensure, beyond any doubt, that any entity with a legitimate interest on the data stored in the trade repositories may have access to it. Portugal notes, in particular, that some of the competent authorities responsible for the enforcement of the reporting obligation to trade repositories are not provided with access to trade repositories data.

Portugal expects that these issues will be reassessed in the negotiations with the European Parliament."

Coreper Part 1

II

13. Setting of the provisional agenda for the Council meeting (Education, Youth, Culture and Sport) on 12 December 2014

The Committee agreed to the provisional agenda for the forthcoming Council meeting (Education, Youth, Culture and Sport) as set out in 16365/14.

14. Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 9 December 2014

The Committee approved the provisional agenda as proposed.

15. Revision of the European Trade mark (First reading) (Legislative deliberation)

- a) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark**
- b) **Proposal for a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast)**
 - **Preparation for the informal trilogue**
15463/14 PI 128 CODEC 2235
 - **Presidency debriefing on the outcome of the informal trilogue**

In preparation of the second informal trilogue, taking place on the same day (19 November 2014), the Committee had an exchange of views on the line to take by the Council concerning the issues set out in 15463/14.

On 21 November 2014, the Committee took note of an oral debriefing by the Presidency on the outcome of the second informal trilogue which took place on 19 November 2014.

16. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 4 and 5 December 2014

- 1. **Enhancing the single market in all its dimensions - priorities for the future (*Non-legislative activity*)**
 - **Policy debate**
15473/14 COMPET 621 MI 879

The Committee has been informed about the way the Presidency intends to handle this item in the Competitiveness Council on 4 December 2014.

2. Draft Council conclusions on "Smart Regulation" (*Non-legislative activity*)

– **Adoption**

15380/14 COMPET 614 MI 872 POLGEN 157

The Committee has examined the draft Council conclusions in the Annex of document 15380/14, resolved the outstanding issues and agreed to recommend their adoption, as amended, by the Council (Competitiveness) on 4 December 2014.

3. Draft Council conclusions on the EU strategy and Action Plan on customs risk management: Tackling risks, strengthening supply chain security and facilitating trade (*Non-legislative activity*)

– **Adoption**

15383/14 UD 245

15403/14 UD 247

The Committee approved the draft Council conclusions as set out in 15403/14 and decided to submit them to the Competitiveness Council for adoption.

4. Draft Council conclusions on "Strengthening tourism by leveraging Europe's cultural, natural and maritime heritage" (*Non-legislative activity*)

– **Adoption**

15160/14 TOUR 22 IND 321 COMPET 607 POLMAR 27 ENV 883 EMPL 150
EDUC 318 CULT 125

The outcome of proceedings on the draft Council conclusions is set out in 15608/14.

5. European Space Policy (*Non-legislative activity*)

a) The competitiveness of the European space sector as a key driver for the European economy

– **Exchange of views**

15396/14 ESPACE 85 COMPET 617 RECH 435 IND 329 TRANS 517
CSDP/PSDC 654 PESC 1161 EMPL 158

The Committee took note of the questions for the exchange of views as set out in 15396/14 and decided to put them forward to the Council.

b) Draft Council conclusions on "Underpinning the European space renaissance: orientations and future challenges"

– **Adoption**

15397/14 ESPACE 86 COMPET 618 RECH 436 IND 330 TRANS 518
CSDP/PSDC 655 PESC 1162 EMPL 159

The outcome of proceedings on the draft Council conclusions is set out in 15944/14.

6. Draft Council conclusions on "European Research Area Progress Report 2014" (*Non-legislative activity*)

– Adoption

13197/14 RECH 366 COMPET 508 MI 657 TELECOM 163

15306/14 RECH 429 COMPET 611 MI 866 TELECOM 198

The outcome of proceedings on the draft Council conclusions is set out in 15609/14.

7. Draft Council conclusions on "Research and Innovation as sources of renewed growth" (*Non-legislative activity*)

– Adoption

10897/14 RECH 300 COMPET 412 ECO 68 IND 185 MI 494 FISC 98 RC 13

15412/14 RECH 438 COMPET 620 ECO 156 IND 332 MI 875 FISC 189 RC 27

The outcome of proceedings on the draft Council conclusions is set out in 15855/14.

8. Draft Council conclusions on "Partnership for Research and Innovation in the Mediterranean Area" (*Non-legislative activity*)

– Adoption

15043/14 RECH 422 MED 44

+ COR 1

The outcome of proceedings on the draft Council conclusions is set out in 15852/14.

9. Proposal for a Regulation of the European Parliament and of the Council on cableway installations (First reading) (*Legislative deliberation*)

– General approach

8436/14 ENT 99 TRANS 190 MI 329 ECO 50 IND 128 CODEC 982

+ADD 1

15442/1/14 ENT 262 TRANS 521 MI 877 ECO 157 IND 334

CODEC 2229 REV 1

15456/14 ENT 263 TRANS 523 MI 878 ECO 158 IND 335 CODEC 2232

+ COR 1

The Committee has agreed to the text as set out in 15442/2/14 REV2, and has forwarded it to the Competitiveness Council on 4 December 2014 for confirmation of this agreement on a General approach.

17. 4th Railway Package (First reading) (Legislative deliberation)

- a) Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004**
- b) Proposal for a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast)**
- c) Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast)**
- 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 of 13 November 2014.

18. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 3 December 2014

1. Fourth Railway Package (First reading) (*Legislative deliberation*)

- a) Proposal to amend Directive 2012/34 establishing a Single European Railway Area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure**
 - General approach ¹/ Progress report**
5985/13 TRANS 36 CODEC 216
15481/14 TRANS 526 CODEC 2238
- b) Proposal to amend Regulation (EC) No 1370/2007 concerning the Opening of the market for domestic passenger transport services by rail (PSO – Public service obligation)**
 - Progress report**
5960/13 TRANS 35 CODEC 209
15481/14 TRANS 526 CODEC 2238

The Committee discussed briefly the questions set out in 15481/14, and the Presidency took note of the Member States' willingness to adopt a progress report on both Commission proposals at the forthcoming TTE Council on 3 December 2014.

¹ When adopting a General approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU.

2. **Europe 2020 strategy review (*Non-legislative activity*)**
Draft Council conclusions on "Transport infrastructure and the Trans European Network"
 - **Adoption**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
15446/14 TRANS 522 ECOFIN 1047 ENV 896 RECH 439

The Committee examined the draft conclusions, solved the outstanding issues and decided to transmit document as amended to the TTE Council for adoption at its session on 3 December 2014.

3. **SES II + (First reading) (*Legislative deliberation*)**
 - **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) 216/2008 in the field of aerodromes, air traffic management and air navigation services (SES II+)**
 - **General approach ⁽¹⁾**
11496/13 AVIATION 90 CODEC 1586
15472/14 AVIATION 210 CODEC 2236

The Committee examined the draft general approach, as set out in 15472/14, decided to transmit it to the forthcoming TTE Council on 3 December 2014 for adoption. ES declared that its position on the draft general approach is dependent on a Commission statement on the non-applicability of the EASA proposal to airports. Commission accepted to submit that statement for the Council meeting.

19. Setting of the provisional agenda for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 11 December 2014

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 16320/14.

20. Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures (First reading) (Legislative deliberation)

– **Guidance for future work**

16433/12 SOC 943 COMPET 708 DRS 130 CODEC 2724

15327/14 SOC 765 EMPL 153 EGC 46 ECOFIN 1037 DRS 148 CODEC 2213

+ ADD 1

The Committee discussed the file on the basis of two questions set out in 15327/14. The Chair stressed the Presidency's willingness to consider further ways of improving the flexibility clause in Article 4b. Half of the delegations broadly supported the Presidency's text. The Commission noted that the flexibility clause would allow Member States to choose the means of achieving the objectives set out in the Directive.

On question 2, eight delegations were unable to support the draft Directive. Some others had yet to adopt positions on the current text.

Some felt the "comply or explain" mechanism gave companies enough flexibility.

A few delegations also felt that a more realistic implementation deadline was desirable. While another delegation saw no need for further changes to the text.

Certain delegations also commented on the two options provided for in the current text (implementation of procedural requirements (Article 4a) and flexibility clause (Article 4b)).

The Chair stated that the deadline for achieving the targets (Europe 2020) could be reconsidered at an appropriate stage.

21. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 1 December 2014

- 1. Medical devices (First reading) (*Legislative deliberation*)**
Proposal for a Regulation of the European Parliament and of the Council on medical devices, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009
and
Proposal for a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices
 - **General approach ⁽¹⁾/ Progress report**
15546/14 PHARM 91 SAN 434 MI 888 COMPET 626 CODEC 2254

The Presidency informed delegations that it intended to present a progress report to the Council (EPSCO) scheduled for 1 December 2014. Preparation of that point would take place at the meeting of the Committee on 26 November 2014.

With a view to guiding the examination at Working Party level, the Committee held an exchange of views on three issues outlined in document 15546/14.

- 2. Europe 2020 - Mid-term review (*Non legislative activity*)**
 - **Exchange of views**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
15480/14 SAN 431 PHARM 89 SOC 779 POLGEN 161 COMPET 622
ECOFIN 1048

The Committee took note of the Presidency's note that will be forwarded for an exchange of views to the Council (EPSCO) on 1 December 2014. Ministers will be requested to limit their responses to one intervention.

- 3. Draft Council conclusions on "Vaccination as an effective tool in public health" (*Non legislative activity*)**
 - **Adoption**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
15090/14 SAN 418 PHARM 84

The draft Council conclusions as set out in the Annex to document 15090/14 will be submitted to the EPSCO Council (Health) on 1 December 2014 for adoption.

4. Draft Council conclusions on "Patient safety and quality of care, including the prevention and control of healthcare associated infections and antimicrobial resistance"

(Non legislative activity)

– **Adoption**

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
15441/14 SAN 429

The draft Council conclusions as set out in the Annex to document 15441/14 will be submitted to the EPSCO Council (Health) on 1 December 2014 for adoption.

22. Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory (Second reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

12371/10 ENV 499 AGRILEG 100 AGRI 271 MI 254 DENLEG 71
CODEC 714 ADD 1

10972/3/14 AGRI 445 ENV 621 AGRILEG 130 DENLEG 108 MI 496
CODEC 1489 REV 3
+ REV 3 ADD 1

14550/14 AGRILEG 204 ENV 844 AGRI 642 MI 794 DENLEG 161
CODEC 2059

The Committee approved a negotiation mandate (doc. 15835/14) for the second trilogue with the European Parliament on the basis of a draft prepared by the Presidency (doc. 14550/14). The said trilogue had been scheduled to take place on 25 November 2015 in Strasbourg.

Discussions showed the need to maintain the Council position at first reading on a number of relevant political aspects, notably, the "opt-out mechanism", the mandatory co-existence measures and financial liability. A number of delegations expressed openness to find compromise solutions with the European Parliament's stance.

23. Kyoto Protocol

- a) **Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder**
 - **Approval and request by the Council for the consent of the European Parliament**
- b) **Proposal for a Council Decision on the signing, on behalf of the European Union, of the agreement between the European Union and its Member States of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change**
 - **Adoption**
- c) **Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and its Member States, of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change**
 - **Approval and request by the Council for the consent of the European Parliament**
 - 10400/14 CLIMA 60 ENV 492 ENER 207 ONU 74 FORETS 56 TRANS 293
IND 175 FISC 90
+ ADD1
 - 10881/14 CLIMA 68 ENV 609 ENER 311 ONU 83 ISL 30
+ REV 1 (lt)
 - 10883/14 CLIMA 69 ENV 611 ENER 312 ONU 84 ISL 31
+ COR 1 (sv)
+ REV 1 (lt)
 - 10941/14 CLIMA 70 ENV 618 ENER 317 ONU 85 ISL 32
+ REV 1 (lt)
 - 15438/14 CLIMA 100 ENV 894 ENER 458 ONU 137 FORETS 80 TRANS 520
IND 333 FISC 193 ISL 35
 - 15484/14 CLIMA 101 ENV 898 ENER 459 ONU 140 FORETS 81 TRANS 527
IND 336 FISC 195

The Presidency indicated that the EU had to proceed swiftly with the ratification of the Doha amendment. All delegations, except PL, could agree on the basis of the texts as presented. PL presented its alternative proposal. There was no support to renegotiate the text of the Presidency. The Presidency concluded that the Doha amendment ratification decisions would be sent to the Council (Environment) on 17 December 2014.

24. Proposal for a Council Regulation on the Statute for a European Foundation (FE)

- **Agreement in principle**
15080/14 DRS 145 SOC 753

The Committee examined the compromise proposed by the Presidency on the Statute for a European Foundation set out in 15080/14. Although all delegations were grateful for the work undertaken, not all of them were ready to accept the compromise text; several delegations could not support it at this stage, while a considerable group of delegations expressed doubts of a fundamental nature on the added value of the proposal compared to the administrative burden it would impose. On this basis, the Presidency will determine with the incoming Presidencies and the Commission how to proceed with this file in an appropriate manner.

26. 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**
- **Consideration of the final agreement in preparation for political agreement**
15698/14 ENV 912 MI 904 IND 345 CONSOM 244 CODEC 2283

Following a Presidency presentation of the main results of the third informal trilogue on 17 November 2014, the Committee unanimously endorsed the agreement reached with the European Parliament with a view to adopting a political agreement, subject to receiving an approval letter from the Chair of the European Parliament's ENVI Committee.

27. 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 Presidency informed the Committee on the outcome of the second informal trilogue that took place in Brussels on 18 November 2014 and where agreement was reached ad referendum between the co-legislators, based on a compromise text including few changes to the mandate agreed by the Committee on 12 November 2014. The consolidated version of the text will shortly be submitted to the Committee in order to confirm the agreement on the overall package.

28. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 27 November 2014

1. Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (First reading) (*Legislative deliberation*)

– **General approach ⁽¹⁾**

13555/13 TELECOM 232 COMPET 646 MI 753 CONSOM 161 CODEC 2000

+ REV 1 (sv)

+ ADD 2

15541/14 TELECOM 207 COMPET 625 MI 886 CONSOM 241 CODEC 2252

+ ADD 1

Following the introduction of this item as a request for a mandate to engage in exploratory talks with the EP instead of preparing a general approach at the Council most of the delegations voiced their opposition to a mandate being agreed and to the texts set out in ADD 1 to document 15541/14. A few suggestions were also made with respect to the orientations set out at Annex I and II of document 15541/14.

The Presidency then decided to convert document 15541/14 in a report on the state of play with a question inviting the Council to ask the Committee to finalise a mandate for an exploratory trilogue with the EP "taking into consideration, i.a., the Presidency's orientations set out in Annex I and II." The orientation on Roaming was also amended (time table, fair use criterion) in light of the discussion.

The Presidency indicated 10 December 2014 as a possible date for the Committee to return to the mandate.

2. Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' web-sites (First reading) (*Legislative deliberation*)

– **Progress report**

17344/12 TELECOM 250 CONSOM 155 MI 811 CODEC 2936

15512/14 TELECOM 205 CONSOM 240 MI 882 CODEC 2248

The Committee agreed to the submission of the progress report set out in 15512/14 to the Council.

3. EU 2020 - preparation of mid-term review (*Non legislative activity*)

– Policy debate

15387/14 TELECOM 202 COMPET 615 POLGEN 158

The Committee agreed that a policy debate could take place at the Council on the basis of the questions set out in 15387/14.

4. Draft Council conclusions on Internet governance (*Non legislative activity*)

– Adoption

15496/14 TELECOM 204 DEVGEN 248 CYBER 60

The discussion at the Committee led to amendments to the text which will be submitted to the Council for final agreement and adoption.

29. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC (First reading) (Legislative deliberation)

– Preparation for a general approach

15367/14 DENLEG 171 AGRI 698 CODEC 2216

The Committee decided to submit the text set out in the Annex to document 15367/14 to the Council with a view to reaching general approach, subject to the addition of the following paragraph in Article 8: "1a. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts."

The United Kingdom delegation maintained a parliamentary scrutiny reservation.

30. Proposal for a Regulation of the European Parliament and of the Council on novel foods (First reading) (Legislative deliberation)

– Preparation for the informal trilogue

15368/14 DENLEG 172 AGRI 699 CODEC 2217

The Committee approved a mandate for the Presidency to start discussions with the European Parliament on the basis of the text set out in the Annex to document 15368/14, subject to a change on paragraph 1a of Article 27b, which should read: "It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts."

The Commission maintained the reservations registered in the text and the Polish delegation entered a reservation.

The United Kingdom delegation maintained a parliamentary scrutiny reservation.

Coreper Part 2

II

50. Debrief of the G20 Summit (Brisbane, 15/16 November 2014)

The Committee took note of the key outcomes of the G20 Summit in Brisbane on 15/16 November 2014, notably President's Obama position on the TTIP negotiations. Next G20 Summit will take place in Turkey, Antalya on 15/16 November 2015.

51. Follow-up to the Council meeting (Foreign Affairs) on 17/18 November 2014 – **Ukraine**

The Committee took note of the proceedings of the Foreign Affairs Council (FAC) meeting of 17/18 November 2014 and considered the follow-up to the Council meeting, in particular as regards Ukraine.

52. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 9 December 2014

The Committee agreed the provisional agenda for this Council meeting.

53. Follow-up to the Council meeting (Economic and Financial Affairs/Budget) on 14 November 2014

The Committee held an exchange of views on the outcome of the ECOFIN/Budget Council and Conciliation Committee meetings on 14 and 17 November 2014. It discussed the latest state of play achieved in the negotiations with the European Parliament on the pending draft amending budgets relating to 2014 and the budget for 2015.

The Presidency informed that it would circulate an indicative timetable for the examination of the new draft budget for 2015, to be presented by the Commission in the coming days, and for the upcoming negotiations with the European Parliament on the different outstanding elements concerning the budgets for the financial years 2014 and 2015.

Furthermore, the Presidency drew attention to the revised wording of the proposal for an amendment to Council Regulation (EC, Euratom) No 1150/2000, suggested by the German and United Kingdom delegations with the technical assistance of the Commission, and noted that it was acceptable for all delegations.

The Committee agreed that it could support the following Presidency conclusions on the Commission proposal to amend Council Regulation No 1150/2000:

"In the light of the agreement reached in COREPER on 15 November 2014, the Council, after examining the Proposal for a Council Regulation amending Regulation (EC, Euratom) No 1150/2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities' own resources (COM(2014) 704 final), endorses the principles set out in this proposal with a view to deciding on its adoption."

54. Relations with the European Parliament (November 2014)
15404/14 PE 377 INST 556 POLGEN 159 CODEC 2224

There was no discussion on relations with the EP. Presidency informed the Committee on the upcoming trilogues on MIF, GMOs, Anti-Money Laundering and European long term investment fund.

55. Preparation of the Council meeting (Foreign Affairs/Trade) on 21 November 2014

- a) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community and Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European Community (First reading)**
 - **Orientation debate**
15198/14 COMER 222 WTO 291 ANTIDUMPING 57 CODEC 2188
+ COR 1

The Chair of the Committee announced that the Presidency would be submitting this file to the FAC (Trade) on 21 November 2014 for a state of play. He reiterated that delegations remained deeply divided on the proposal regarding the disapplication of the "Lesser Duty Rule" (LDR).

- b) **EU-US TTIP negotiations**
 - **Adoption of Council conclusions**
15555/14 WTO 298 USA 29

This item was not discussed.

- c) **Council conclusions on Trade**
 - **Adoption of Council conclusions**
15557/14 WTO 299

This item was not discussed.

d) Other items in connection with the Council meeting

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

57. Preparation of the Council meeting (Justice and Home Affairs) on 4/5 December 2014

- a) **The functioning of the Schengen area:**
 - **Closure report and Council conclusions of 15 years of Schengen evaluations within the Council**
= **Exchange of views**
14374/1/14 REV 1 SCH-EVAL 116 SCHENGEN 41 SIRIS 72 JAI 882
COMIX 553

The Committee confirmed the outcome of the discussions held during the Mixed Committee (see doc. 13861/14).

- b) **Draft Council Decision on the framework for the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**
 - **State of play**

The Committee confirmed the outcome of the discussions held during the Mixed Committee (see doc. 13861/14).

- c) **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)**
 - **Public sector**
= **Partial general approach** ⁽¹⁾
15389/14 DATAPROTECT 163 JAI 858 MI 873 DRS 149 DAPIX 165
FREMP 200 COMIX 602 CODEC 2220

The Committee discussed extensively the Presidency note. Following this debate the Chair concluded that the document would be revised by JHA Counsellors and that a new document on the public sector, together with Chapter IX would be submitted to the next Committee meeting.

- d) **Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings (First reading)**
- **General approach**
15325/14 DROIPEN 128 COPEN 275 CODEC 2212

The Committee agreed on submitting the text as set out in 15325/14 to the Council so as to allow it to reach a general approach. This general approach will constitute the basis for the future negotiations with the European Parliament in the context of the ordinary legislative procedure. The Committee took note of the concerns expressed by the Commission and of the point of view of the Council Legal Service, as set out in footnotes 10, 16 , 17 and 18 of document 15837/14.

- e) **Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (First reading)**
- **Orientation guidelines**
15443/14 JUSTCIV 286 FREMP 203 CODEC 2230

The outcome of the discussions is set out in 15843/14.

- f) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (First reading)**
- **General approach**
15447/14 JUSTCIV 287 EJUSTICE 110 CODEC 2231
+ ADD 1

The outcome of the discussions is set out in 15841/14 + ADD 1.

g) Other items in connection with the Council meeting

- Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (First reading)

The Presidency informed the Committee that the state of play of the work accomplished on this file will be presented to the Council, as set out in the Presidency note found in 15490/14. Some delegations pointed out that discussions should take account of the support which the respective positions have received at working party level.

The Presidency informed delegations about the state of play of the negotiations on the following legislative proposals.

- 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 research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing (Recast) (First reading)
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State (First reading)

58. Follow-up to the Council meeting (General Affairs and General Affairs/Cohesion) on 18/19 November 2014

The Committee took note of the proceedings of the General Affairs Council on 18/19 November 2014, notably as regards, the draft annotated agenda of the December EC, which will focus on the 300bn investment package, the discussion on strengthening interinstitutional Programming, including the discussion on the Commission's 2015 Annual Work Programme, the discussion on the Rule of Law initiative, the implementation of the orientations of the June EC on Energy and Climate.

The Committee also took note of the results of the meeting on 19 November 2014 dedicated to cohesion policy, notably as regards, the adoption of the Council conclusions on the 6th Report on economic, social and territorial cohesion, the exchange of views on the Presidency Note on the contribution of cohesion policy to the preparation of the mid-term review of the EU 2020 strategy and the discussion on the state of play of the adoption of Partnership Agreements and Operational Programmes (OPs).