



Council of the
European Union

**Brussels, 16 December 2014
(OR. en)**

16397/14

CRS/CRP 49

SUMMARY RECORD

Subject: 2521st meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 1-3 and 5 December 2014

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

doc. 16233/14 OJ/CRP1 42 + COR 1
16262/2/14 REV 2 OJ/CRP2 42

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

The following item is **added** :

(Coreper Part 2, under I)

- 58. - 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 (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine and Regulation (EU) No 960/2014 amending Regulation (EU) No 833/2014**
- 16313/14 PESC 1263 RELEX 1006 COEST 451 FIN 912
15046/3/14 REV 3 PESC 1125 COEST 403 FIN 816
15638/1/14 REV 1 PESC 1189 RELEX 939 COEST 427 FIN 870

The following item is **withdrawn** :

(Coreper Part 1, under II)

- 22. Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high level of network and information security across the Union (First reading) (Legislative deliberation)**
- Preparation for the informal trilogue**
- 6342/13 TELECOM 24 DATAPROTECT 14 CYBER 2 MI 104 CODEC 313
16224/14 TELECOM 227 DATAPROTECT 183 CYBER 72 MI 959 CSC 256
CODEC 2388

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:

30. Finance for Growth and Long-Term Financing of the European Economy

- **Draft Council conclusions**
16183/14 EF 330 ECOFIN 1113

"Germany welcomes the Draft Council conclusions. However, it currently does not see any need for a further reform of the EU accounting framework after the Accounting Directive 2013/34/EU has only recently been come into force and is about to be implemented by Member States."

Coreper Part 1

II

16. **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (First reading) (Legislative deliberation)**
- **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 1 December 2014.

17. **Eurocontrol reform**
Eurocontrol's 42nd Provisional Council (PC), 4 and 5 December 2014
- **European Union coordination of a common position**
16133/14 AVIATION 222
 - + ADD 1
 - + ADD 2

The Committee endorsed the revised EU position with some changes to take into account the views of delegations, and agreed to include in its minutes unilateral statements by the Czech Republic, France, Germany, Hungary, Poland, Portugal and the United Kingdom, as well as a further statement by Germany. The final version of the EU position, which should be used as the basis for the interventions of the representatives of the EU Member States at the 42nd Eurocontrol Provisional Council meeting, is set out in 16338/14.

Unilateral statements

Statement by the Czech Republic, France, Germany, Hungary, Poland, Portugal and the United Kingdom

"The above-mentioned Member States underline that this coordination process is without prejudice to the competence of Member States or to their right to speak and vote on the occasion of Eurocontrol's 42nd Provisional Council (PC) meeting in order to promote their interests in fields of their competence."

Statement in addition to the above by Germany

"Germany considers that the issues at stake have not been sufficiently discussed and deeply regrets that there are still some parts of the suggested recommendations on which no agreement could be reached."

- 18. 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

The Committee granted a negotiating mandate as set out in 15382/14 and, in view of the trilogue meeting, requested the Customs Union Working Party to examine alternatives with regard to export data.

- 19. Preparation for the Council meeting (Environment) on 17 December 2014**
- **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)**
 - **Political agreement**
15845/13 ENV 1028 MI 974 IND 305 CONSOM 186 CODEC 2473
16137/14 ENV 943 MI 949 IND 362 CONSOM 259 CODEC 2373

The Committee agreed to transmit to Council the text in 16137/14 in order to reach a political agreement on 17 December 2014.

- 20. 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 ADD 1
10972/3/14 AGRI 445 ENV 621 AGRILEG 130 DENLEG 108 MI 496
CODEC 1489 REV 3
+ REV 3 ADD 1
15871/14 AGRILEG 232 ENV 927 AGRI 728 MI 927 DENLEG 179
CODEC 2322

The Committee approved a negotiation mandate (doc. 16359/14) for the third trilogue with the European Parliament on the basis of a draft prepared by the Presidency (doc. 15871/14). The said trilogue had been scheduled to take place on 3 December 2014 in Brussels.

Whilst confirming the need to maintain the substantial elements of the Council position at first reading, the Committee agreed on some revised compromise proposals in order to meet two EP's priority issues: co-existence (Article 1/1, point 1b, amending Article 26a/1) and conditionality (Article 1, amending Article 26b, paragraph 3).

21. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 11 December 2014

**1. Investing in Youth Employment: Youth guarantee, Education and Skills
(*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])
15949/14 EMPL 172 SOC 815 ECOFIN 1081 EDUC 332 JEUN 112
- a) **Implementation of the Youth Guarantee and contribution of the European Alliance for Apprenticeships**
- b) **Indicator Framework for Monitoring the Youth Guarantee**
- **Endorsement of EMCO key messages**
15415/14 SOC 774 EMPL 161 ECOFIN 1041 EDUC 323 JEUN 106

The Committee agreed to invite the Council to hold an exchange of views on investing in youth employment, based on a Presidency note (doc. 15949/14).

2. Annual Growth Survey 2015 (AGS), draft Joint Employment Report (JER) and Alert Mechanism Report (AMR) (*Non-legislative activity*)

- **Presentation by the Commission**
- **Exchange of views**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
15953/14 EMPL 173 SOC 816 ECOFIN 1082 EDUC 333 JEUN 113
15954/14 EMPL 174 SOC 817 ECOFIN 1083 EDUC 334
15985/14 ECOFIN 1088 SOC 823 POLGEN 171 EMPL 177 CODEC 2349
EDUC 335 ENV 933 RECH 458 ENER 479 FISC 208 TELECOM 221
15988/14 UEM 371 ECOFIN 1089 SOC 824

The Committee agreed to invite the Council to hold an exchange of views on the 2015 European Semester economic governance package (Annual Growth Survey, draft Joint Employment Report and Alert Mechanism Report). The discussion will be guided by a Presidency note (doc. 15954/14).

3. **Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – "Beijing+20": A Review of Progress**
- **Draft conclusions of the Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council (*Non-legislative activity*)**
 - **Adoption**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
15957/14 SOC 819 EGC 54 EMPL 175 CONUN 186 ONU 148
COHOM 167 JAI 937
+ ADD 1

The Committee approved the text on the draft conclusions to be submitted to the Council for adoption. The outcome of the Committee's work is set out in 16304/14.

4. **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*)**
- **General approach ⁽¹⁾/Progress report**
16433/12 SOC 943 COMPET 708 DRS 130 CODEC 2724
15956/14 SOC 818 EGC 53 ECOFIN 1084 DRS 157 CODEC 2342

The Presidency will submit the draft text to the Council with a view to reaching a general approach. The outcome of the Committee's work is set out in 16300/14. HU announced its intention to request that the pre-2014 voting rules be applied in the event of a vote being taken in the Council.

5. **Proposal for a Regulation of the European Parliament and of the Council on a European network of Employment Services, workers' access to mobility services and the further integration of labour markets (EURES) (First reading) (*Legislative deliberation*)**
- **General approach**
5567/14 SOC 33 ECOFIN 57 CODEC 154 MI 63 EMPL 9 JEUN 13
15693/14 SOC 795 ECOFIN 1055 CODEC 2281 MI 902 EMPL 187 JEUN 110

The Committee examined the draft text of the proposal. The outcome of the Committee's work is set out in 16333/14 + COR 1.

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.

Coreper Part 2

II

23. **New Draft budget of the European Union for the financial year 2015 and 2014 DABs**

The Committee took note of the new draft budget for the financial year 2015 presented by the Commission. It held an exchange of views on a Presidency compromise proposal for the Council's positions on draft amending budgets No 3, 4, 5 and 7/2014 and on the new draft budget for 2015. It also held an exchange of views on the accompanying joint statements.

The Presidency informed delegations about the envisaged timetable for negotiations with the European Parliament on the outstanding draft amending budgets relating to 2014 and the new draft budget for 2015.

The Committee mandated the Presidency to take up the negotiations with the European Parliament at the upcoming trilogues. It also mandated the Budget Committee to work further on the joint statements accompanying the new 2015 draft budget and draft amending budgets for 2014.

52. **Preparation of the Council meeting (Foreign Affairs/Development) on 12 December 2014**

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

The provisional agenda for the meeting of the Council (Foreign Affairs/Development) on 12 December 2014, as presented on 27 November 2014, was confirmed. The Committee will be updated again on preparations on 11 December 2014.

On other items in connection with Council, confirmation was given that participation at the informal dinner on 11 December 2014 was limited to Ministers or State Secretaries.

53. **Preparation of the Council meeting (General Affairs) on 16 December 2014**

a) **Preparation of the European Council on 18/19 December 2014**

- **Draft guidelines for the conclusions** 14867/14 CO EUR-PREP 40

The Committee examined the guidelines for the conclusions of the December EC, focusing on investment.

b) Enlargement and Stabilisation and Association Process

- Draft Council conclusions

16165/1/14 REV 1 ELARG 127 COWEB 128

The Committee examined draft Council conclusions on Enlargement (doc. 16165/1/14 REV 1) as proposed by the Presidency, as well as draft Council conclusions on the Stabilisation and Association Process as prepared by the EEAS. In the light of the discussion, the Presidency undertook to prepare a revised version of the draft Council conclusions, taking into account where possible the positions expressed by the delegations. On this basis, the Committee will return to this matter at its next meeting.

c) Other items in connection with the Council meeting

Presidency informed the Committee on the remaining items on the agenda, namely on the Rule of Law initiative, strengthening interinstitutional Programming, the final report of the FoP Group on Improving the Functioning of the EU, the Proposal for a Council Decision determining the composition of the Committee of the Regions, the European Semester, the follow-up to the June 2014 European Council (Strategic Agenda priorities), the Synthesis report on Europe 2020 and the AOB on the Digital Agenda.

54. Preparation of the Council meeting (Economic and Financial Affairs) on 9 December 2014

a) Parent Subsidiaries Directive

- Proposal for a Council Directive amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States

= Political agreement

14531/1/14 REV 1 FISC 165 ECOFIN 953

15941/14 FISC 206 ECOFIN 1079

The Committee examined the Presidency's compromise text, with a view to reaching a political agreement at the Council in December. The Chair concluded that, if NL lifted its reservation in advance of the ECOFIN Council, this might become an "A" item.

- b) **Financial Transaction Tax**
- **Proposal for a Council Directive implementing enhanced cooperation in the area of Financial Transaction Tax**
 - = **State of play**
- 16120/1/14 REV 1 FISC 218 ECOFIN 1108

The Committee examined the Presidency report on the state of play, and decided to submit it to the December ECOFIN Council.

- c) **Code of Conduct (Business Taxation)**
- **Draft Report to the Council**
 - **Draft Council conclusions**
 - = **Endorsement**
- 16100/14 FISC 216 ECOFIN 1105
16102/14 FISC 217 ECOFIN 1106

NL maintained its reservation on the report and the conclusions and it was thus decided to submit this item to Ministers for a discussion at the ECOFIN Council.

- d) **Single Resolution Mechanism**
- **Proposal for a Council Implementing Regulation specifying uniform conditions of application of Regulation (EU) No 806/2014 of the European Parliament and of the Council with regard to ex ante contributions to the Single Resolution Fund**
 - = **Political agreement**
- 15727/14 EF 316 ECOFIN 1060

The Committee decided not to discuss the outstanding issues on the Implementing Regulation on the Single Resolution Mechanism and to refer the item for discussion to the Council.

- e) **Measures in support of investment**
- **Report of the Commission/EIB Task Force on Investment**
 - **Investment plan for Europe**
 - = **Exchange of views**
- 16115/14 ECOFIN 1107 POLGEN 176 COMPET 650 RECH 462
ENER 489 TRANS 564 ENV 941 EDUC 338 SOC 830
EMPL 181 EF 327

The Committee prepared the Ministerial debate on the report of the Task Force on Investment and on the Commission's Investment Plan for Europe.

- f) **Economic Governance**
 - i) **Annual Growth Survey**
 - ii) **Alert Mechanism Report**
 - iii) **Six Pack and Two Pack Review**
 - = **Exchange of views**
15985/14 ECOFIN 1088 SOC 823 POLGEN 171 EMPL 177 EDUC 335
ENV 933 RECH 458 ENER 479
15988/14 UEM 371 ECOFIN 1089 SOC 824
16236/14 ECOFIN 1121 UEM 374 SOC 838 EMPL 184

The Committee prepared the Council discussion on the Annual Growth Survey, the Alert Mechanism Report and the Review of the Six Pack and Two Pack.

- g) **Review of the Europe 2020 strategy**
 - **Exchange of view**
16228/14 ECOFIN 1119 COMPET 654 SOC 837 EMPL 183 POLGEN 180

The Committee prepared the discussion on the Review of the EU 2020 Strategy on the basis of an opinion prepared jointly by the EFC and the EPC. The ECOFIN discussion will feed into the report that will be prepared for the General Affairs Council in December.

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

The Committee agreed to streamline the ECOFIN agenda.

55. Proposal for a Directive of the European Parliament and of the Council on payment services in the internal market and amending Directives 2002/65/EC, 2013/36/EU and 2009/110/EC and repealing Directive 2007/64/EC

- **Approval of a negotiating mandate**
16154/14 EF 328 ECOFIN 1111 CONSOM 260 CODEC 2379
16155/14 EF 329 ECOFIN 1112 CONSOM 261 CODEC 2380

The Committee examined the Presidency compromise and gave the Presidency the mandate to start negotiations with the European Parliament.

The LU delegation issued the following statement:

"The first payment services directive (2007/64/EC) provided the legal basis for the creation of an EU-wide single market for payments and put in place a single passport for payment services providers.

The compromise text of the new payment services directive which repeals directive 2007/64/EC, undermines the passporting regime established by directive 2007/64/EC and the principle of home Member State supervision, and thereby reintroduces potential for market fragmentation. Such development in the area of cross-border supervision of payment institutions is in contradiction with the aim of the initial proposal which is to help developing an EU-wide market for electronic payments, and runs counter to the existing achievements in other financial services legislation. Luxembourg considers that it is necessary to adopt a coherent approach on cross-border supervision and the respective balance between the powers of home and host competent authorities in all financial services files.

Luxembourg emphasizes that the elements that undermine the existing passporting regime were neither inherent in the Commission initial proposal, nor are they part of the European Parliament's report as adopted in its plenary session.

In light of the above, Luxembourg cannot support the Council general approach and expects that future negotiations with the European Parliament will address Luxembourg's concerns."

56. Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (AML Directive)

- **Preparation for the informal trilogue**

16221/14 EF 333 ECOFIN 1118 DROIPEN 145 CRIMORG 132 CODEC 2387

The Committee gave a mandate to the Presidency to conclude negotiations with the European Parliament on the Anti-Money Laundering Directive.

57. Relations with Ukraine (restricted session)

- **Restrictive measures, cases relating to misappropriation of state funds**

This item was discussed in a restricted session, on the basis of a presentation by the EEAS.

In the light of the discussion, the Committee tasked the Foreign Relations Counsellors (RELEX) to take forward the work on cases relating to misappropriation of Ukrainian state funds.
