



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 6 December 2013
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16538/13

CRS/CRP 41

SUMMARY RECORD

Subject: 2475th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 20, 21, 22 and 25 November 2013

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

doc. 16365/13 OJ/CRP1 41

16380/2/13 REV 2 OJ/CRP2 41 COMIX 615 + CM 5423/13

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

The following item is **added** :

(Coreper Part 2, under II)

55. Draft Council conclusions on CSDP

16417/13 COSDP 1091 PESC 1395 COPS 491

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

DE, supported by CZ, made a statement on the following item :

30. Proposal for transfer of appropriations N° DEC 36/2013 within Section III - Commission - of the general budget for 2013
16139/13 FIN 750 INST 609 PE-L 101

"The German government would like to point out that the Commission submitted proposal for transfer of appropriations No DEC 36/2013 to the Council's budget committee without seeking the opinion of the competent Council working party, RELEX, despite the fact that several member states had spoken out against the project. Because of the speed at which decisions on transfers of appropriations are routinely made, there was no in-depth discussion in the budget committee. Germany is of the opinion that this decision does not necessarily reflect the Council's position and therefore cannot agree to the transfer."

* * * * *

CY made a statement on the following item :

47. Adoption of the Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas
15661/13 VISA 221 COEST 348
15553/13 VISA 217 COEST 341
15554/13 VISA 218 COEST 342

"The Republic of Cyprus recalls the importance of the full respect of the principles of territorial integrity, inviolability of borders, sovereignty and independence, and the need for the parties to refrain from any action which might prejudice these principles in the framework of the EU-Azerbaijan relations, especially in the context of Azerbaijan's bilateral relations with all EU Member States, including the Republic of Cyprus.

The full and effective application of the present agreement by the Republic of Cyprus is subject to the practical feasibility of such application or to practical difficulties that may arise due to the absence of bilateral diplomatic relations between the Republic of Cyprus and Azerbaijan."

Coreper Part 1

II

12. Setting of the provisional agenda for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 and 10 December 2013

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 17143/13.

13. Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 12 December 2013

The Committee agreed on the provisional agenda.

14. Setting of the provisional agenda for the Council meeting (Environment) on 13 December 2013

The Committee agreed on the provisional agenda.

15. Amended proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] (First reading) (Legislative deliberation)
– Presidency debriefing on the outcome of the informal trilogue

The Committee was debriefed on the outcome of the 2nd trilogue held on 19 November 2013 in Strasbourg.

16. 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 took note of a concise debriefing by the Presidency on the outcome of the second informal trilogue which took place on 18 November 2013 and agreed to return to the file on 4 December 2013 with a view to agreeing on a revised mandate for the third trilogue scheduled to take place on 5 December 2013.

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

– Preparation for the informal trilogue

16128/13 ECOFIN 1011 EF 227 SURE 19 DRS 197 CODEC 2557

+ ADD 1

The Committee discussed the Presidency compromise proposal as set out in 16128/13, addressing a number of outstanding issues. The Committee agreed to return to the file on 29 November 2013 with a view to agreeing on a revised mandate for the third informal trilogue scheduled to take place on 3 December 2013.

18. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 2 and 3 December 2013

1. Contribution to the European Semester and upcoming European Council meetings (*Non-legislative activity*)

– Policy debate

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

16173/13 COMPET 825 MI 1029 IND 330 RECH 536 ECOFIN 1015

a) Communication from the Commission on "Annual Growth Survey 2014" and "Annual Single Market Integration Report"

– Presentation by the Commission

15803/13 ECOFIN 984 SOC 904 COMPET 781 EDUC 425

ENV 1025 RECH 509 ENER 502 FISH 214

16171/13 COMPET 824 MI 1027 CONSOM 196 IND 329 RECH 535

TRANS 588 TELECOM 308 ENER 522 POLGEN 220

b) European Industrial Policy

– Adoption of Council conclusions

15970/13 IND 312 COMPET 796 MI 994 EDUC 427 ENER 507

RECH 517 ECOFIN 999

c) Single Market Policy

– Adoption of Council conclusions

15953/13 MI 993 COMPET 795 MAP 85 TELECOM 294

d) Smart Regulation

– Adoption of Council conclusions

15949/13 COMPET 794 MI 992 POLGEN 214

- a) The Committee took note of the Presidency's intention to hold a policy debate as a contribution to the European Semester and upcoming European Council meetings on the basis of two policy questions prepared by the Presidency.

- b) The outcome of the proceedings of the Committee is set out in 16560/13.
 - c) The outcome of the proceedings of the Committee is set out in 16443/13.
 - d) The outcome of the proceedings of the Committee is set out in 16445/13.
- 2. Proposal for a Regulation of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (First reading) (*Legislative deliberation*)**
- **General approach**
16072/13 ESPACE 89 CODEC 2533 COMPET 809 RECH 529 IND 320
TRANS 574 MI 1008 ENER 513 ENV 1053 COSDP 1078
CSC 141 TELECOM 300

The outcome of the proceedings of the Committee is set out in 16534/13 + COR 1.

- 3. Proposal for a Decision of the European Parliament and of the Council establishing a Space Surveillance and Tracking (SST) support programme (First reading) (*Legislative deliberation*)**
- **Progress report**
15976/13 ESPACE 88 COMPET 798 IND 314 RECH 519 TRANS 570
COSDP 1069 CSC 140 CIVCOM 478 CODEC 2512

The outcome of the proceedings of the Committee is set out in 16537/13.

- 4. Revision of European Trade Mark System (First reading) (*Legislative deliberation*)**
- a) **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)**
 - b) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark**
 - **Progress report**
16218/13 PI 165 CODEC 2573

The Committee took note of the progress report on the above mentioned files, as contained in 16218/13, and decided to transmit it to the Council for information.

- 5. Proposals by the Commission to establish public-public partnerships with Member States under Article 185 TFEU for joint implementation of national research programmes (First reading) (*Legislative deliberation*)**
- a) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a European Metrology Programme for Innovation and Research jointly undertaken by several Member States**
15884/13 RECH 515 COMPET 787 CODEC 2588

- b) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a Research and Development Programme jointly undertaken by several Member States aimed at supporting research performing small and medium-sized enterprises**
15886/13 RECH 516 COMPET 788 MI 983 IND 310 CODEC 2589
- c) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a second European and Developing Countries Clinical Trials Partnership Programme jointly undertaken by several Member States**
15988/13 RECH 520 SAN 438 SOC 920 CODEC 2590
- d) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in the Active and Assisted Living Research and Development Programme jointly undertaken by several Member States**
15990/13 RECH 521 COMPET 799 TELECOM 296 SOC 921 MI 998
CODEC 2592
- **General approach**

The outcome of the proceedings of the Committee is set out in documents:

- a) 16548/13
- b) 16533/13
- c) 16535/13
- d) 16549/13

6. Proposals by the Commission for Joint Technology Initiatives established under Article 187 TFEU (*Non-legislative activity*)

- a) **Proposal for a Council Regulation on the Bio-Based Industries Joint Undertaking**
15994/13 RECH 523 COMPET 801 IND 315 ENER 509 AGRI 730
- b) **Proposal for a Council Regulation on the Clean Sky 2 Joint Undertaking**
15996/13 RECH 524 COMPET 802 ENV 1046 AVIATION 200
- c) **Proposal for a Council Regulation on the ECSEL Joint Undertaking**
15998/13 RECH 525 COMPET 803 MI 1000
- d) **Proposal for a Council Regulation on the Fuel Cells and Hydrogen 2 Joint Undertaking**
16000/13 RECH 526 ENER 510 COMPET 804 ENV 1047
- e) **Proposal for a Council Regulation on the Innovative Medicines Initiative 2 Joint Undertaking**
16219/13 RECH 538 COMPET 827 IND 332 SAN 449
- **General approach**

The outcome of the proceedings of the Committee is set out in documents:

- a) 16540/13
- b) 16551/13
- c) 16542/13
- d) 16544/13
- e) 16547/13

7. **Proposal for a Council Decision amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it (*Non-legislative activity*)**
- **Political agreement**
13253/13 RECH 387 ATO 95 COMPET 617
15993/13 RECH 522 ATO 137 COMPET 800

The outcome of the proceedings of the Committee is set out in 16536/13.

8. **Public Sector Innovation: Follow-up to the European Council of October 2013 (*Non-legislative activity*)**
- **Policy debate**
16066/13 RECH 528 COMPET 808

The Committee took note of the questions for the policy debate as set out in 16066/13 and decided to put them forward to the Competitiveness Council.

9. **Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (First reading) (*Legislative deliberation*)**
- **General approach**
15979/13 RC 42 JUSTCIV 260 CODEC 2514

The Committee agreed to the text of the Presidency compromise as set out in 15983/13, and invited the Council (Competitiveness) meeting on 2 December 2013 to adopt a General approach on the file with a view to an early first-reading agreement with the European Parliament.

19. **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**
16104/13 AVIATION 206 CODEC 2554

The Committee examined the outstanding issues and gave the Presidency a broad mandate to negotiate with the European Parliament at the informal trilogue on 25 November 2013.

20. Roadworthiness package (First reading) (Legislative deliberation)

- a) Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC**
- b) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles**
 - Preparation for the informal trilogue**
16078/13 TRANS 577 CODEC 2537
+ ADD 1
16081/13 TRANS 578 CODEC 2538
- c) 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**
 - Preparation for the informal trilogue**
16076/13 TRANS 575 CODEC 2535
+ ADD 1

The Committee examined the Presidency proposals and gave the Presidency a mandate to negotiate with the European Parliament on the three proposals of the package at the informal trilogue on 27 November 2013.

- a) Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC**
- b) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles**
- c) 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**
- Guidance for the future work**
16077/13 TRANS 576 CODEC 2536

The Committee discussed the major outstanding political issues of the Roadworthiness package. On the basis of the political guidance provided by this debate, the Presidency will prepare concrete text proposals to be submitted to the Working Party on Land Transport on 29 November 2013.

21. Proposal for a Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

16062/13 TELECOM 298 MI 1007 DATAPROTECT 164 EJUSTICE 94
CODEC 2530

After a brief exchange of views where a few delegations called for caution should a text be circulated to the EP and recalled some of their concerns (NL on the scope, AT on the role of the private sector, NL/DE/CZ on the definition of public sector bodies, Commission on art. 6a and on the use of the reciprocity principle in art. 5) the Committee could agree to give the presidency a mandate on the basis of the principles set out in 16062/13 + COR 1 for the first informal trilogue due to take place on 26 November 2013.

22. Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

16153/13 MI 1023 ECO 203 ENT 311 IND 328 TELECOM 306
CODEC 2560

The Committee mandated the Presidency to engage in informal trilogues with the representatives of the European Parliament and the European Commission on the basis of document 16153/13, while details should continue to be discussed at Council Working Party level.

The Presidency will inform the Committee on the progress of the negotiations and present an updated compromise text at a future meeting.

23. Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

15974/13 ENV 1043 ENT 308 MI 996 CODEC 2510

The Committee considered the Presidency compromise suggestions and gave the Presidency a mandate for negotiating with the European Parliament on the basis of a revised four column table (set out in the Annex to document 16876/13) with a view to a first reading agreement on the file. The third trilogue is scheduled to take place in Brussels on 27 November 2013.

24. 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)

– **Preparation for the informal trilogue**

15972/13 ENV 1041 AGRI 729 WTO 298 PI 160 DEVG 289 MI 995

SAN 437 CODEC 2508

The Committee examined the EP amendments and the related Presidency compromise as set out in 15972/13 and, after introducing some modifications to the compromise text, gave the Presidency a mandate for the informal trilogue on the above proposal with a view to a first reading agreement with the European Parliament.

25. Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

15973/13 ENV 1042 CODEC 2509

The Committee discussed and agreed on a modified mandate for the Presidency (doc. 16765/13) with a view to the second informal trilogue with the European Parliament that will take place on 26 November 2013 in the Council premises. AT maintains a reserve.

26. 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 on the informal trilogue held on 21 November 2013.

27. Proposal for a Directive of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

16091/13 SOC 926 MI 1013 EDUC 429 ECOFIN 1007 JEUN 111

JAI 1001 ETS 51 CODEC 2542

The Committee accepted the mandate for informal trilogues as set out in 16091/13 + COR 1. EP amendments 25, 51 and 57 were acceptable to the Committee in combination with the Council text for recital 21, Article 5(2)(b) and Article 7(1), respectively.

DE was in a position to lift all its scrutiny reservations except the one on Article 3(2) on time limits and on the corresponding recital 16 (the Council position in column 3). However, it maintained the linguistic scrutiny reservation on Article 4.

Coreper Part 2

II

48. Preparation of the Council meeting (Justice and Home Affairs) on 5/6 December 2013

- a) **Full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**
 - **Orientation debate**

The Committee took note of the outcome of the discussion in the Mixed Committee set out in 16052/13 JAI 995 COMIX 606.

- b) **Proposal for a Regulation of the European Parliament and of the Council creating a European Account Preservation Order to facilitate cross-border debt recovery in civil and commercial matters (First reading)**
 - **General approach**
16136/13 JUSTCIV 268 CODEC 2558
+ ADD 1

The Committee

- examined the compromise text submitted by the Presidency as set out in 16136/13 + ADD 1;
 - invited the JHA Counsellors to resolve the last issues raised by delegations;
 - decided to submit the file again to the Committee on 27/28 November 2013.
- c) **Council conclusions on the evaluation of the European Union Agency for Fundamental Rights**
 - **Adoption**
16183/13 FREMP 182 JAI 1007 COHOM 252

The Committee agreed that the Council conclusions on the evaluation of the European Union Agency for fundamental Rights would be submitted to the JHA Council on 5-6 December 2013 for adoption.

The Committee also took note of the remark of one Member State that in its view it was essential that the Agency respected the principle of equal and fair treatment of all Member States.

It was clarified that requests for opinions of the Agency should pass via the Committee and not only through Council preparatory bodies.

d) Council conclusions on the EU Citizenship Report 2013

- Adoption

16187/13 FREMP 183 JAI 1008 COCON 56 COHOM 254 CULT 122

COPEN 203DROIPEN 139 EJUSTICE 97 FISC 219 JUSTCIV 270 MI

1030 POLGEN 221 SOC 935 TRANS 589

The Committee agreed that the Council conclusions on the EU Citizenship Report 2013 would be submitted to the Council for adoption and took note of the concerns of one delegation about the revision of Small Claims Procedure.

e) Other items in connection with the Council meeting

The Chair informed the Committee on the other topics that will be dealt with during the Council: Multiannual Financial Framework for Home Affairs, proposals on legal migration, Europol, Cepol, and other information on current legislative proposals in the Justice field.

The incoming Greek Presidency will present its JHA working programme to the Council.

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

- The day before the Council, the current and next two presidencies held an informal dialogue with the European Parliament and Commission focussing on the banking union and other financial service files.
- This was followed by a macroeconomic dialogue, on growth, investment and unemployment policies, between on the one hand the presidency, the Commission, the European Central Bank and the president of the Eurogroup and on the other the social partners: employer and trade union organisations at EU level and representatives of public enterprises and SMEs.
- The following day, Ministers held a breakfast meeting with a debrief of the Eurogroup and a review of the economic situation in the light of the Commission's autumn economic forecast focussing on a gradual recovery. The Commission also briefly presented the Annual Growth Survey and the Alert Mechanism Report. The ECB confirmed that the recovery was fragile, uneven and small.
- This was followed by an informal discussion on backstop arrangements for banks in the context of asset quality review and stress test exercises to be carried out by supervisors where the final statement was prepared. This was later formally adopted during the ECOFIN itself.

- The Council also adopted conclusions on statistics in the light of the annual report on information requirements under Economic and Monetary Union.
- Member States did not reach a political agreement on the amending Directive on strengthening EU rules on taxation of savings income. The Presidency will continue to monitor developments and has inscribed this item again on the December ECOFIN agenda as possible.
- The Council then took note of the Commission proposal of a standard VAT return throughout the EU to reduce burdens on businesses, particularly SMEs.
- The Council also took note of the presentation of a report by the EU's special advisor Maystadt on the EU's contribution to international accounting standards, and invited the Commission to undertake further work on that basis.
- The Council had an exchange of views on the draft directive on the prevention of money laundering and terrorist financing.
- The Council then discussed the draft regulation aimed at establishing a single decision-making authority and a single fund for the resolution of failing banks. The Working Party will now continue its examination and the Council (ECOFIN) will come back to this in December.

50. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 10 December 2013

The Committee agreed the provisional agenda for this Council meeting.

51. Follow-up to the Council meeting (General Affairs) on 19 November 2013

The Committee took note of the main issues discussed at the General Affairs Council, namely the Commission's 2014 Working programme, the roadmap on the 2014 European Semester presented by the incoming Presidency, as well as of the 2014 Annual Growth Survey presented by the Commission. Presidency also informed delegations of the key outcomes of the 4th Annual Forum of the EU strategy for the Baltic Sea Region.

52. Follow-up to the Council meeting (Foreign Affairs) on 18/19 November 2013

The Committee took note of the information provided by the EEAS.

53. Eastern Partnership

- **Preparation of the Eastern Partnership Summit (Vilnius, 28-29 November 2013)**
 - **Draft Joint Declaration**
15759/13 COEST 353 NIS 72

The Committee discussed and reached agreement on four open issues in the Vilnius Eastern Partnership Summit Joint Declaration on the basis of compromise proposals submitted by the European External Action Service (doc. 15759/13 and documents distributed through informal networks), and decided to revert to the complete text of the Joint Declaration at its meeting on 27 November 2013, following the final round of negotiations with partner countries.

54. High Level Group on Own Resources

The Committee had an exchange of views on the main features of the high-level Group on Own Resources, in particular relating to the Chairperson and to the members of the Group nominated by the Council.

55. Draft Council conclusions on CSDP

16417/13 COSDP 1091 PESC 1395 COPS 491
16621/13 COSDP 1098 PESC 1404 COPS 493

The Committee examined the draft Council conclusions on CSDP on the basis of documents 16417/13 and 16621/13.

The Committee agreed to forward the draft Council conclusions on CSDP as set out in 16531/13 for adoption on 25 November 2013.

- **Any other business**

- **Proposals for external financing instruments under Heading 4 (2014-2020) (First reading)**
 - **Information from the Presidency on the results of the trilogue and the way ahead**

The Committee was debriefed by the Presidency on the outcome of the informal trilogue with AFET and DEVE Committees of the European Parliament on 19 November 2013 and informed about the intended handling of the file.