



Council of the
European Union

Brussels, 20 January 2015
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16706/14

CRS/CRP 50

SUMMARY RECORD

Subject: 2522nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 9, 10 and 11 December 2014

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= Adoption
- Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes
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= Approval and request for EP consent
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= Adoption
- Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes
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= Adoption
- Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of the Republic of Croatia to the European Union
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1. Adoption of the provisional agenda and "I" items

doc. 16608/14 OJ/CRP1 43

16671/3/14 REV 3 OJ/CRP2 43 + REV 3 ADD 1

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

The following items are **added** :

(Coreper Part 2, under I)

117. European Economic and Social Committee

- **Council Decision appointing a German member of the European Economic and Social Committee**

16642/14 CES 72

13883/14 CES 71

118. 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

- **Adoption**

16511/14 FIN 968 RESPR 30 CADREFIN 133

15488/14 FIN 858 RESPR 28 CADREFIN 126

+ COR 1

119. Draft amending budget No 8 to the general budget for 2014

- **Information to national Parliaments**

16681/14 FIN 984 INST 614

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16682/14 FIN 985 INST 615

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16707/14 FIN 988 INST 616 PE-L 94

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16708/14 FIN 989

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16641/14 FSTR 71 FC 50 REGIO 134 SOC 861 AGRISTR 71 PECHE 585
CADREFIN 136
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- 131. Draft Council conclusions on Central African Republic**
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16417/14 COPS 329 CSDP/PSDC 711 PESC 1276 POLMIL 111 COAFR 337
16441/14 COPS 330 CSDP/PSDC 712 PESC 1278 POLMIL 112 COAFR 338

The following items are **withdrawn** :

(Coreper Part 2, under I)

70. Draft Council conclusions on Cyber Diplomacy

16163/14 CYBER 70 RELEX 989 JAIEX 100 TELECOM 223 COPS 320

102. Council Decision in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

16584/14 PESC 1292 CODUN 50 CONOP 133

16330/14 PESC 1265 CODUN 46 CONOP 126

(Coreper Part 2, under II)

111. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics (European Parliament second reading)

- Analysis of the final compromise with a view to agreement

16509/14 STATIS 132 ECOFIN 1161 CODEC 2434

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:

50. Commission Delegated Regulation (EU) No .../.. of 21.10.2014 supplementing Directive 2014/59/EU of the European Parliament and the Council of 15 May 2014 with regard to ex ante contributions to resolution financing arrangements

- **Intention not to raise objection to a delegated act**
16571/14 EF 345 ECOFIN 1174 DELACT 234
14545/14 EF 269 ECOFIN 948 DELACT 204
+ ADD1 to ADD 2

"While Germany does not object to the Commission Delegated Regulation with regard to the supplementing Directive 2014/59/EU of the European Parliament and the Council of 15 May 2014 with regard to ex ante contributions to resolution financing arrangements, it nevertheless regrets that the act does not duly take into account that promotional banks will not go into resolution and will not be recapitalized through the use of the resolution financing arrangements.

Germany anticipates that these specificities will be reflected in the course of the review the Commission is supposed to do in 2016."

* * * * *

NL made a statement on the following item:

51. Commission Delegated Regulation (EU) No .../.. of 10.10.2014 to supplement Regulation (EU) 575/2013 with regard to liquidity coverage requirement for Credit Institutions

- **Intention not to raise objection to a delegated act**
16577/14 EF 346 ECOFIN 1175 DELACT 235
14278/14 EF 260 ECOFIN 916 DELACT 196
+ ADD1

"As expressed during the ECOFIN Council on 9 December 2014, the Netherlands has serious concerns regarding some elements of the liquidity coverage ratio delegated Regulation.

Several elements in the delegated act deviate substantially from the Basel Committee liquidity coverage ratio requirement and the empirical findings and recommendations made by the European Banking Authority (EBA). Our concerns relate to those deviations that have not been sufficiently justified empirically in a timely manner. This primarily relates to Articles 11(1c) and Article 12(1e) of the delegated Regulation.

Expert advice and recommendations provided by the Basel Committee and EBA are based on a transparent and thorough consultation process. Deviations from these recommendations should therefore be an exception, and the theoretical and empirical foundation for any deviations should be beyond any doubt.

In the impact assessment accompanying the delegated Regulation, the Commission states that the delegated Regulation will be subject to a complete ex-post evaluation about two years after the implementation deadline. The Netherlands calls upon the Commission to explicitly review in this evaluation those elements of the delegated Regulation that materially deviate from the Basel Committee liquidity coverage ratio requirement and the recommendations made by the European Banking Authority (EBA)."

* * * * *

DE made a statement on the following item:

- 52. Commission Delegated Regulation (EU) No .../.. of 10.10.2014 amending Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to the leverage ratio**
- **Intention not to raise objection to a delegated act**
16582/14 EF 347 ECOFIN 1176 DELACT 236
14282/14 EF 261 ECOFIN 917 DELACT 197

"While Germany does not object to Commission Delegated Regulation with regard to the leverage ratio, it nevertheless regrets that the act contains material deviations from the Basel framework, in the first place in Article 429 para 7 and para 14 CRR (new). Germany anticipates that those deviations will be duly scrutinized in the course of the review the Commission is supposed to do by the end of 2016."

NL joins the DE statement.

PT made a statement on the following item:

79. Draft Council Decision on the signing and provisional application of the Economic Partnership Agreement (EPA) between the West African States, ECOWAS and the UEMOA, of the one part, and the European Union and its Member States, of the other part

- Adoption

16506/14 ACP 190 WTO 316 COAFR 339 RELEX 1021

+ ADD 1

13368/14 ACP 148 WTO 249 COAFR 253 RELEX 760

13370/14 ACP 149 WTO 250 COAFR 254 RELEX 761

+ ADD 1 to ADD 3

"On the basis of the respect of the competences allocated between the European Union and its Member States, as defined by the Treaties, the Decision of the Council that authorises the provisional application of the Economic Partnership Agreement (EPA) between the West African States, ECOWAS and the UEMOA, of the one part, and the European Union and its Member States, of the other part, shall not affect the autonomy of decision of Portugal on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures, in accordance with the Constitutional principles and rules."

* * * * *

MT made a statement on the following item:

129. A transformative post-2015 agenda

- Draft Council conclusions

16716/14 DEVGEN 273 ONU 158 ENV 978 RELEX 1045 ECOFIN 1187

"The post 2015 process should be based on a comprehensive and coherent framework which will be imperative to the achievement of effective delivery and significant results at all levels. Malta reiterates its position, as also expressed in relation to previous Council conclusions, that any recommendation or commitment made by the European Union, as well as development of any goals, targets or indicators should in no way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities.

Malta takes note of the UN Secretary General's Synthesis Report on the Post 2015 Agenda 'The Road to Dignity by 2030: Ending Poverty, Transforming all Lives and Protecting the Planet'. In this respect, Malta would like to recall its established position on references to Sexual and Reproductive Health and Rights (para 70) that are not based on the understanding reached at the International Conference on Population and Development and its Programme of Action."

CZ and UK made a joint statement on the following item:

133. Relations with Ukraine

- **Council and Commission Decision on the position to be taken on behalf of the European Union and the European Atomic Energy Community within the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the adoption of decisions of the Association Council on the Rules of Procedure of the Association Council and those of the Association Committee and of Sub-Committees, the establishment of two Sub-Committees, and the delegation of certain powers by the Association Council to the Association Committee in Trade configuration**
16156/14 COEST 444

"The Czech Republic and United Kingdom agree with the draft Council and Commission Decision, including the agreement reached on Article 2 (chairing arrangements on the EU side). Both Member States are of the view that this provision should be applied with due regard to the content of issues to be discussed by the Association Council."

Coreper Part 1

II

28. **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)**
- **Preparation for the informal trilogue**
16056/14 TRANS 562 CODEC 2361

The Committee confirmed the mandate for the fourth trilogue as set out in 16056/14.

29. **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)**
 - **Preparation for the informal trilogue**
16055/14 TRANS 561 CODEC 2360

The Committee confirmed the mandate for the third trilogue as set out in 16055/14.

30. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
16423/14 PECHE 575 CODEC 2426

The Committee examined the Presidency's approach to the trilogue as outlined in 16423/14. Delegations generally supported the Presidency approach while recalling their priorities. A majority of delegations preferred the draft Council position in comparison to the European Parliament's amendments, notably as regards the scope of the Omnibus proposal and the reintroduction of the concept of unintended catches.

Delegations were not ready to accept provisions as put forward by the European Parliament concerning responsibility of Member States for undersized fish and an additional derogation to the landing obligation for vessels under 12m. Delegations however granted the Presidency additional flexibilities in line with the approach detailed in the supporting document. The Presidency concluded that the Committee had broadly supported the approach outlined in 16423/14 and given the Presidency an updated mandate to negotiate with the European Parliament.

31. Preparation for the Council meeting (Agriculture and Fisheries) on 15 and 16 December 2014

1. Proposal for a Council Regulation fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea (*Non-legislative activity*)

- **Political agreement**
15830/14 PECHE 549
+ ADD 1
16348/1/14 PECHE 571 REV 1

The Committee prepared this agenda item which remains on the agenda of the Council.

2. Proposal for a Council Regulation fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters and repealing Council Regulation (EU) No 779/2014 (*Non-legislative activity*)

- **Political agreement**
14590/14 PECHE 489
+ ADD 1-3
16350/14 PECHE 572

The Committee took note of the outstanding issues and the key political priorities outlined by the delegations and decided to keep this item on the agenda of the Council.

3. **Proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants (First reading) (*Legislative deliberation*)**
 - **Progress report**
16414/14 AGRI 764 AGRILEG 251 PHYTOSAN 66 CODEC 2424
4. **Proposal for a Regulation of the European Parliament and of the Council on Animal Health (First reading) (*Legislative deliberation*)**
 - **Progress report**
5. **Proposal for a Directive of the European Parliament and of the Council amending Directives 89/608/EEC, 90/425/EEC and 91/496/EEC as regards references to zootechnical legislation (First reading) (*Legislative deliberation*)**
and
Proposal for a Regulation of the European Parliament and of the Council on the zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products (First reading) (*Legislative deliberation*)
 - **Progress report**
16367/14 AGRI 759 VETER 113 AGRILEG 247 ANIMAUX 59 CODEC 2415
6. **Proposal for a Regulation of the European Parliament and of the Council on Official Controls performed to ensure the application of food and feed law, rules on animal welfare, plant health, plant reproductive material and plant protection products (First reading) (*Legislative deliberation*)**
 - **Progress report**
16398/14 AGRI 762 VETER 115 AGRILEG 249 ANIMAUX 60 SAN 464
DENLEG 186 PHYTOSAN 65 SEMENCES 42 CODEC 2422

The Committee took note of the Presidency's decision not to present a progress report on the proposal for Animal Health and of the withdrawal of the corresponding point from the agenda of the Agriculture and Fisheries Council.

It took also note of the progress reports on the Protective measures against pests of plants proposal (doc. 16414/2/14 REV 2), Zootechnical proposals (doc. 16367/14), Official Controls proposal (doc. 16398/14) and of the Presidency's intention to present these reports at the Agriculture and Fisheries Council.

32. Proposal for a Council Regulation concerning the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar

- Preparation for adoption

15228/14 PECHE 523

16406/14 PECHE 573

16532/14 PECHE 580

The Committee noted an agreement among the delegations concerned by the allocation of seiner licenses and concluded that the item should be submitted to Council as an "A" item.

33. Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC (First reading) (Legislative deliberation)

- Preparation for political agreement

16121/14 ENT 278 MI 948 CODEC 2370

The Committee endorsed the outcome of the third trilogue with the European Parliament and agreed to forward the compromise text to the Council for a political agreement.

34. Proposal for a Regulation of the European Parliament and of the Council on appliances burning gaseous fuels (First reading) (Legislative deliberation)

- Preparation for a General approach

9898/14 ENT 124 MI 430 ECO 60 IND 161 CONSOM 116 CODEC 1302

+ ADD 1

16260/1/14 ENT 284 MI 963 ECO 173 IND 365 CONSOM 266 CODEC 2396 REV 1

16259/1/14 ENT 283 MI 962 ECO 172 IND 364 CONSOM 265 CODEC 2395 REV 1

The Committee agreed on a general approach with regard to the proposed Regulation, as set out in 16259/1/14 REV 1.

35. 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)

- Presidency debriefing on the outcome of the informal trilogue

- Preparation for the informal trilogue

16357/14 PI 135 CODEC 2412

The Committee gave a mandate to the Presidency for the fourth informal trilogue with the European Parliament, scheduled to take place on 16 December 2014.

- 36. Proposal for a Regulation of the European Parliament and of the Council on novel foods (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
16062/14 DENLEG 183 AGRI 740 CODEC 2363

The Committee approved a mandate allowing the Presidency to negotiate with the European Parliament and the Commission, at the trilogue to be held on 16 December 2014, with a view to reaching first reading agreement.

The mandate was approved as set out in Annexes I and II of document 16062/14.

- 37. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**
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 REV 3
CODEC 1489 PARLNAT 216
+ REV 3 ADD 1
16393/14 AGRILEG 248 ENV 958 AGRI 761 MI 972 DENLEG 185 CODEC 2421

The Committee took note of the outcome of the informal trilogue held on 3 December 2014 where an agreement "ad referendum" was reached on an overall package containing compromise texts dealing with a number of outstanding issues (doc. 16393/14).

In approving the said compromise package, the Committee also agreed to insert a technical adjustment in paragraph 2 of Article 26b of the compromise text. This added text had already been agreed by the European Parliament at the said trilogue, upon request of the Commission, and it reads as follows:

"(...) Where a demand in accordance with paragraph 1 is communicated to the Commission after the date of the circulation of the assessment report under Article 14(2) of this Directive, or after receipts of the opinion of the Authority under Article 6(6) and Article 18(6) of Regulation (EC) No 1829/2003, the timelines set out in Articles 15 to issue the written consent or, as the case may be, in Articles 7 and 19 of Regulation (EC) No 1829/2003 to submit to the Committee a draft of the decision to be taken, shall be extended by a single period of 15 days regardless of the number of Member States presenting such demands. (...)."

The Committee therefore mandated its Chair to write to the Chair of the EP's ENVI Committee to confirm that, should the EP adopt the amendments to the Commission proposal contained in the annexed compromise package, as amended, the Council would, in accordance with Article 294(8)(a) of the Treaty, then be in a position to approve the EP's amendments subject to legal/linguistic revision of the text.

38. Preparation for the Council meeting (Environment) on 17 December 2014

1. Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants (First reading) (*Legislative deliberation*)

- General approach

18170/13 ENV 1236 ENER 601 IND 389 TRANS 694 ENT 357 SAN 557
PARLANT 326 CODEC 3089
+ ADD 1
+ ADD 6
16105/14 ENV 939 ENER 486 IND 361 TRANS 563 ENT 277 SAN 452
PARLNAT 289 CODEC 2368

The Committee reached, with qualified majority, an agreement in principle on the text to be sent to the Council, for adoption as a general approach. The text includes changes following the discussion within the Committee.

2. 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 (MRV) (First reading) (*Legislative deliberation*)

- Political agreement

11851/13 ENV 658 MAR 86 MI 602 ONU 71 CODEC 1661
+ ADD 1
16238/14 CLIMA 113 ENV 949 MAR 186 MI 960 ONU 152 CODEC 2390
+ ADD 1

The Committee agreed to invite the Council to reach a political agreement at its meeting on 17 December 2014 on the text set out in 16238/14, with a view to the adoption of the Council's position at first reading, after legal-linguistic verification.

3. An overarching and transformative post-2015 agenda (*Non-legislative activity*)

- Exchange of views

16409/14 ENV 961 DEVGEN 269 RELEX 1015 ONU 156 ECOFIN 1153

The Committee took note of the information provided by the Presidency regarding this exchange of views.

Coreper Part 2

II

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

The Presidency informed delegations about the *ad referendum* agreement reached with the European Parliament at the trilogue on 8 December 2014 on a "draft package" including the new draft budget for 2015, draft amending budgets No 3, 4, 5, 6, 7 and 8/2014 and draft statements.

After having listened to delegations' positions on the "draft package", the Presidency noted that the package, without any modifications, could be supported by a qualified majority of Member States and that the Council's positions on the different elements of the package could be adopted accordingly.

The Presidency indicated that the Council's positions on the new draft budget for 2015 and the outstanding draft amending budgets relating to 2014 would be submitted to the Education, Youth, Culture and Sport Council on 12 December 2014 for formal adoption.

106. Preparation of the Council meeting (Foreign Affairs) on 15 December 2014

a) Syria

- Draft Council conclusions

16570/14 SY 11 COMAG 119 COHAFA 125 PESC 1289

The Committee examined the draft Council conclusions on Syria on the basis of document 16570/14 and agreed to forward them to Council for adoption, as set out in 16778/14.

b) Iraq

c) Ebola

These items were not discussed.

- d) **Western Balkans**
 - **Bosnia and Herzegovina**
 - = **Draft Council conclusions**
- 16736/14 COWEB 132 PESC 1312 COPS 341

The outcome of the deliberations of the Committee on this item is set out in 16860/14.

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

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

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

- a) **Post 2015**
- b) **Migration, refugees and development**
- c) **Ebola**
- d) **Gender issues**
- e) **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 was informed that the meeting would start at 9h00 instead of 9h30 as previously indicated.

108. Relations with the European Parliament (December 2014)

16227/14 PE 396 INST 597 POLGEN 179 CODEC 2389

The Committee has taken note of document 16227/14.

109. Follow-up to the Council meeting (Justice and Home Affairs) on 4/5 December 2014

- **Follow-up to the informal joint meeting of the EU Foreign and Home Affairs Ministers (Rome, 27 November 2014)**
 - = **Non-Paper from the Trio Presidencies**

The Committee took note of the paper presented by the trio of presidencies (IT, LV and LU). The Committee mandated them to present shortly more detailed proposals in order to review the structure and working methods of the Council preparatory bodies with a view to increasing the internal coordination and to reaching a more efficient and global approach on migration and migration-related issues.

110. 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)

- Approval of negotiation mandate

16512/14 MIGR 161 RECH 471 EDUC 344 CODEC 2435 SOC 856

Agreement was reached on the compromise text presented by the Presidency in 16512/14.

Two delegations (BE and PT) made the following statement:

"Regarding Article 21 on equal treatment, Belgium and Portugal wish to express their concerns on the possibility for Member States to apply exceptions regarding the rights in the field of social security as provided for in point (b) of Article 12 (2) of Directive 2011/98/EU (Single Permit Directive) towards researchers, as this goes a step back compared to the existing legislation. Belgium and Portugal shall pay particular attention to this Article during the negotiations with the European Parliament and the Commission. In view of reaching an agreement, Belgium and Portugal can support the compromise proposal as presented by the Presidency in document 16343/14 of 3 December 2014 and agree that trilogue negotiations should start as soon as possible.

Belgium and Portugal request to add this statement to the minutes of COREPER."

112. Follow-up to the Council meeting (Economic and Financial Affairs) on 9 December 2014

The Committee took note of the proceedings of this Council meeting.

113. Directive of the European Parliament and of the Council on the activities and supervision of institutions for occupational retirement provision (IORP) (First reading)

- Negotiating mandate

16220/14 EF 332 ECOFIN 1117 SURE 45 SOC 835 CODEC 2386

15901/2/14 REV 2 EF 320 ECOFIN 1072 SURE 43 SOC 813 CODEC 2332

The Committee agreed a negotiating mandate as set out in 15901/2/14, which allows the Presidency to pursue negotiations with the European Parliament with a view to reaching an agreement at first reading.

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

a) Ensuring the respect for the Rule of Law

- **Draft Council conclusions**

16578/1/14 REV 1 FREMP 222 JAI 997 COHOM 177 POLGEN 187

16637/1/14 REV 1 FREMP 223 JAI 1000 COHOM 178 POLGEN 188

The Ambassadors discussed the draft conclusions (doc. 16578/1/14) and the accompanying Presidency note (doc. 16637/1/14) on Ensuring Respect for the Rule of Law. The Presidency took note of the views expressed and stated that it will carry on the work in order to find an agreement on the draft conclusions for the General Affairs Council of 16 December 2014.

b) Proposal for a Council Decision determining the composition of the Committee of the Regions

16652/14 CDR 117 INST 610 AG 22

The Committee reached a political agreement on a compromise text submitted by the Presidency, as amended.

c) European Semester

- **Annual Growth Survey 2015**

= **Presentation by the Commission**

15985/14 ECOFIN 1088 SOC 823 POLGEN 171 EMPL 177 EDUC 335

ENV 933 RECH 458 ENER 479 FISC 208 TELECOM 221

- **Roadmap for 2015**

= **Presentation by the incoming Presidency**

16496/14 CO EUR-PREP 47 POLGEN 183 ENV 962 ENER 498 MI 974

RECH 469 COMPET 660 IND 370 ECOFIN 1158 SOC 855

EDUC 343 TELECOM 230 JAI 988 EMPL 195

Presidency informed the Committee on the handling of these two files at the Council.

d) Friends of the Presidency Group on Improving the Functioning of the EU

- **Presidency Report**

16544/14 POLGEN 185

The Committee took note of the Presidency's report on the outcome of the discussions of the Friends of Presidency Group on Improving the Functioning of the EU. The report will now be submitted to the Council.

- e) **Europe 2020 strategy mid-term review**
 - **Synthesis Report**
16025/14 CO EUR-PREP 45 POLGEN 174 ENV 936 ENER 482 MI 937
RECH 459 COMPET 647 IND 359 ECOFIN 1097 SOC 828
EDUC 337 TELECOM 222 JAI 941 EMPL 179 AG 19

Presidency presented the Synthesis report on Europe 2020 strategy mid-term review, in view of the Ministers' discussion at the Council.

- f) **EC follow-up: Thematic debate on Strategic Agenda priorities – The Union as a strong global actor**
16384/14 CO EUR-PREP 46 POLGEN 182 RELEX 1012

The Committee took note of the state of play on some of the main orientations relevant to the fifth priority area of the Strategic agenda adopted in June 2014.

- g) **Enlargement and Stabilisation and Association Process**
 - **Draft Council conclusions**
16165/3/14 REV 3 ELARG 127 COWEB 128

On 10 December 2014, the Committee examined draft Council conclusions on Enlargement and the Stabilisation and Association Process (doc. 16165/2/14 REV 2) as prepared by the Presidency. 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. It was agreed that, on this basis the Committee would, if needed, return to this matter.

On 11 December 2014, the Committee reverted briefly to this item, on the basis of a further revision of the draft conclusions (doc. 16165/3/2014 REV 3), and registered agreement on the text, which appears in 16795/14.

Furthermore, fifteen delegations requested that the following statement be entered into the minutes of the meeting:

"The group of the following Member States – AT, BE, CZ, DK, EE, FI, IE, HR, HU, LT, MT, NL, PL, SE, SI - supports the Commission's recommendation to start accession negotiations with the former Yugoslav Republic of Macedonia. Should the Council not agree on the start of accession talks, the group asks for a well-prepared and thorough discussion on the former Yugoslav Republic of Macedonia and on the way forward in the first half of 2015."

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

- **Draft conclusions**
14868/14 CO EUR-PREP 41

The Committee examined the draft EC conclusions on improving the investment framework in Europe, and Ukraine.

i) Strengthening interinstitutional annual and multiannual programming

- **Exchange of views on the Commission's 2015 Work Programme**
- **Joint declaration on multiannual programming and legislative planning**
16669/14 INST 613 POLGEN 189 AG 23 PE 402

The Committee examined draft Council conclusions on Multiannual Programming and Legislative Planning.

It was informed of the state of play as regards a draft Joint Declaration on Multiannual Programming and Legislative Planning.

j) Other items in connection with the Council meeting

Presidency informed that there will be two additional AOBs at this Council, one on the Digital Agenda and one on an initiative proposing the establishment of the Florence School of European and Transitional Government.

After the confirmation of the item on Committee of the Regions, a revised GAC agenda will be issued.

115. Reform of the General Court of the European Union

16576/14 JUR 924 COUR 54

The Committee agreed in principle on the essential elements of the reform of the General Court as set out in 16576/14. Belgium and Austria made the statements below.

Déclaration de la Belgique

"La Belgique attache une grande importance au bon fonctionnement des juridictions de l'Union européenne. Elle partage pleinement le but de la réforme du Statut de la Cour de Justice qui est de résoudre de manière structurelle le problème d'un arriéré en constante progression au Tribunal. Depuis 2011, plusieurs présidences se sont efforcées de résoudre ce problème sans succès. Il apparaît que le compromis soumis par la présidence italienne permet aujourd'hui de dégager un accord au sein du Conseil. Compte tenu de l'importance de l'objectif poursuivi, la Belgique ne s'opposera pas aux propositions formulées par la Présidence, mais s'abstiendra de s'y rallier parce qu'elle considère que d'autres moyens auraient été plus adéquats pour les atteindre. Elle estime notamment qu'il aurait été de bonne gestion de prévoir qu'avant de passer à la troisième phase, il soit procédé à une évaluation objective des besoins qui se présenteront à ce moment. La Belgique se réserve le droit de revenir sur la question à la lumière de la position que prendra le Parlement européen dans le cadre de la procédure législative."

Statement by Austria

"Austria thanks the Presidency for its efforts to reach a decision concerning the increase of the number of judges at the General Court, a question for which a solution has remained elusive for several years now.

In the light of the protracted negotiations and of the urgency of a reform, Austria therefore joins the compromise proposal put forward by the Presidency which now has gathered majority support.

At the same time, however, Austria expresses its expectation that the General Court will be fully involved in the implementation of this decision in its capacity as the judicial body primarily affected thereby.

By the time the legal act foreseeing the increase will be adopted, a basic understanding should also have been reached among the Member States on the still unresolved issue concerning the method of nomination of judges.

Furthermore, Austria advocates that an evaluation of the effects of the increase should be undertaken after each of the phases."

116. Draft Rules of Procedure of the General Court of the European Union

16651/14 JUR 931 COUR 56 INST 609

16724/14 JUR 943 COUR 57 INST 617

The Committee confirmed the agreement reached in the Working Party on Court of Justice on the text of the draft Rules of Procedure of the General Court as set out in 16724/14. The United Kingdom made the statement below.

Statement by the United Kingdom

"The United Kingdom regrets that it is unable to vote in favour of the revised Rules of Procedure. Whilst we support many of the proposed changes, we have concerns over Article 105 of the amended Rules. In addition we have yet to complete our domestic Parliamentary scrutiny procedures on this proposal.

The United Kingdom recognises the importance of enabling sensitive information to be shared with the Court where this is essential to substantiate sanctions listings. Any mechanism which proposes the disclosure of sensitive information to the Court needs to strike a balance between protecting the information to be disclosed and the rights of defence of listed persons. The United Kingdom considers that the current proposal does not achieve this. In particular, the United Kingdom regrets that the proposal does not provide for the party providing the sensitive material to be able to withdraw material at any stage of the proceedings, and that there is no provision for security checking of judgments and orders to prevent accidental disclosure of information.

Whilst these safeguards are novel in the European system, they have been key elements of our equivalent domestic regime and crucial to the safeguarding of information. Regrettably, their absence in the proposed Article 105 will limit the types of information for which the United Kingdom could envisage using the proposed mechanism.

Furthermore, the United Kingdom considers that Article 105 is a mechanism specifically established to address a particular need in the field of sanctions area and questions whether it would be suitable for deployment in other fields. Accordingly, the United Kingdom considers that before deploying this mechanism in other fields, the EU institutions and Member States should in the first instance restrict its application to sanctions cases. The United Kingdom suggests that the Council and Court review the mechanism in light of practical experience."

– **Any other business (CRP1)**

a) Europe 2020 strategy Mid-term review

- Information from the Presidency

16025/14 CO EUR-PREP 45 POLGEN 174 ENV 936 ENER 482 MI 937
RECH 459 COMPET 647 IND 359 ECOFIN 1097 SOC 828
EDUC 337 TELECOM 222 JAI 941 EMPL 179 AG 19

Presidency presented its Synthesis report which will be presented to the December GAC.

b) European semester / Roadmap for 2015

- Information from the incoming Presidency

16496/14 CO EUR-PREP 47 POLGEN 183 ENV 962 ENER 498 MI 974
RECH 469 COMPET 660 IND 370 ECOFIN 1158 SOC 855
EDUC 343 TELECOM 230 JAI 988 EMPL 195

The incoming Presidency (LV) presented its Roadmap for 2015 which will be also presented at the December GAC. Both European Semester and the Europe 2020 Mid-term review are covered and the roadmap reflects Commission's proposals for streamlining the semester.
