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THE EUROPEAN UNION**

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CRS/CRP 42

SUMMARY RECORD

Subject: 2476th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 27 and 29 November 2013

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

doc. 16779/13 OJ/CRP1 42 + ADD 1
16778/1/13 REV 1 OJ/CRP2 42 COMIX 635

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

The following items are **added** :

(Coreper Part 1, under I)

101. Proposal for a Regulation of the European Parliament and of the Council establishing "Erasmus+": the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (First reading) (Legislative deliberation + Statement)

- **Adoption of the legislative act**
PE-CONS 63/13 EDUC 292 JEUN 67 SPORT 66 SOC 577 RELEX 619
RECH 333 CADREFIN 181 CODEC 1688
16931/13 CODEC 2740 EDUC 453 JEUN 117 SPORT 107 SOC 994
RELEX 1074 RECH 575 CADREFIN 329
+ ADD 1

(Coreper Part 1, under II)

102. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars (First reading) (Legislative deliberation)

- **Analysis of the final compromise text with a view to agreement**
16923/13 ENV 1118 ENT 326 CODEC 2736

(Coreper Part 2, under II)

100. Preparation of the Council meeting (Economic and Financial Affairs) on 10 December 2013

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

The following items are **withdrawn** :

(Coreper Part 2, under I)

71. Proposal for a Council Decision amending Annexes I, II and III to Council Decision 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance

- **Adoption**
9767/13 JUSTCIV 125
9264/13 JUSTCIV 112

72. Proposal for a Council Decision on the approval, on behalf of the European Union, of the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007

– Request for the consent of the European Parliament

16132/13 JUSTCIV 266 TRANS 599

15113/13 JUSTCIV 224 TRANS 544

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

NL made a statement on the following item :

19. Proposal for a Regulation of the European Parliament and of the Council establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No°624/2007/EC (First reading) (Legislative deliberation + Statement)

- **Adoption of the legislative act**
PE-CONS 72/13 UD 197 AELE 50 CODEC 1823
16094/13 CODEC 2544 UD 292 AELE 70
+ ADD 1

"The Customs 2020 program lays down the rules for financing activities in the field of customs cooperation in the EU. All activities under the program, including the creation of expert teams, are determined in annual work plans on the basis of Article 14.

Expert teams are a new instrument, which potentially touches upon the balance of powers between Member states and the Union's institutions as foreseen in the treaties. In view of the possible major implications of the expert teams for operational activities and competences of customs authorities in the Member states, The Netherlands would have preferred a separate implementing act for the creation and for the rules on the functioning of each expert team, enabling a more transparent decision process at the appropriate level.

Taken this into account,

The Netherlands will whenever the creation of an expert team is being proposed in the work plan insist on a thorough evaluation of the proposed scope of the team, clear rules on the functioning of the team, a detailed business case and an in-depth legal analysis on the basis of the EU treaties, in particular regarding the respective competences of Member States and Union's institutions."

BE, CZ, FR DE, HU, NL, PT and UK made a statement on the following item:

43. (poss.) Eurocontrol provisional Council
– **European Union coordination of a common position**
16774/13 AVIATION 226 EUROCONTROL
+ REV 1

"The above mentioned Member states take note of this information note from the European Commission aiming at preparing to prepare the 40th meeting of Eurocontrol Provisional Council on the 3rd and 4th of December 2013.

They consider that the issues tackled have not been sufficiently discussed in the relevant working group.

While they deeply regret this situation, they nevertheless recognise the usefulness of this process of coordination including a recommended EU common position as well as an on-site preparatory meeting.

However, they underline that this process is without prejudice to the competence of Member States nor to their right to speak and vote on the occasion of the above mentioned meeting in order to promote their interests in fields of their competence."

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The Commission made a statement on the following item :

44. Proposal for a Council Regulation adjusting, from 1 July 2012, the rate of contribution to the pension scheme of officials and other servants of the European Union
– **Adoption**
16208/13 STAT 40 FIN 756
16685/13 STAT 44 FIN 832

" In the light of the recent and future judgments in the cases on the 2011 and 2012 adjustments of salaries and pensions of EU staff and the case on the 2011 adjustment of the rate of contribution to the pension scheme of officials and other servants of the European Union, it may be necessary to take measures pursuant to Article 266 TFEU to implement these judgments. Adjustment of salaries or, for 2011, of the rate of contribution, may entail recalculation of the rate of contribution to the pension scheme of officials and other servants of the Union for 2012 and 2013. The Commission in such cases will do its utmost to ensure that the applied pension contribution rate maintains the pension scheme in actuarial balance. In particular, for this purpose the Commission will submit to the Council all proposals necessary to enable it to adjust the rates of contribution for the years 2012 and 2013 to the requisite level for respecting the actuarial balance."

DE made a statement on the following item :

70. - **Council Decision on the signing, on behalf of the European Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data**
- **Council Decision on the conclusion, on behalf of the European Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data**
- **Request by the Council for the consent of the European Parliament**
16419/13 JAI 1022 CDN 15 RELEX 1038 DATAPROTECT 171
12652/13 JAI 657 CDN 11 DATAPROTECT 112 AVIATION 116 RELEX 695
+ REV 1 (fi)
12653/13 JAI 658 CDN 12 DATAPROTECT 113 AVIATION 117 RELEX 696
+ REV 1 (fi)
12657/13 JAI 659 CDN 13 DATAPROTECT 114 AVIATION 118 RELEX 697
+ REV 1 (en)
+ REV 2 (fi)
+ REV 3 (fr)

"Germany will abstain from the vote on the Council decisions on the signing and the conclusion of the PNR Agreement with Canada.

Furthermore we believe that pursuant to Article 218 (4) of the TFEU and Article 2 of the negotiating mandate (doc. 16085/1/10 REV 1), the Special Committee designated by the Council was insufficiently involved in the negotiations, and that this should not become a model for future negotiations with third countries on agreements in the field of Justice and Home Affairs.

Pursuant to Article 218 (4) of the TFEU negotiations must be conducted "*in consultation with*" the Special Committee designated by the Council. For this reason Article 2 of the negotiating mandate for the Commission specified that the Commission should forward "*all negotiating documents without delay to this Special Committee*". However, the Special Committee did not receive the first draft agreement until more than two years after the start of negotiations, with the Commission's note that there would be no room for further improvements."

A joint statement is made by NL, UK and AT on the following item :

84. Proposal for a Council Decision on the conclusion of the Protocol Amending the Agreement on Government Procurement

16310/13 WTO 302 MAP 87 MI 1036

7917/13 WTO 79 MAP 17 MI 236 OC 169

7918/13 WTO 80 MAP 18 MI 237 OC 170

+ REV 1 (fi)

"The Netherlands, the United Kingdom and Austria have assessed the Proposal for a Council Decision on the conclusion of the Protocol Amending the Agreement on Government Procurement and the Proposal establishing the position to be taken by the European Union within the Committee on Government Procurement with respect to decisions implementing certain provisions of the Protocol Amending the Agreement on Government Procurement.

Although the Netherlands, the United Kingdom and Austria can endorse the proposal for a Council Decision on the conclusion of a Protocol Amending the Government Procurement Agreement, they are of the opinion that the current thresholds in Special Drawing Rights (SDR) should be substantially raised. The Netherlands, the United Kingdom and Austria therefore underline that specific attention should be paid to the raising of the thresholds in the context of future negotiations, which according to the Protocol of the GPA will commence not later than the end of the third year from the date of entry into force of the Agreement.

The current thresholds have nominally been reduced over the years despite effects of inflation and economic growth in general during this period. At the same time, the costs of participating in a public procurement process are significant, which hinders access to public procurement markets especially for small and medium size enterprises. In order to create a better balance between costs and benefits, especially for public contracts for supplies and services with a value only slightly above the relevant threshold, the current thresholds in SDR for supplies and services should be reconsidered."

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- 30. 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 Presidency debriefed on the third informal trilogue held on 26 November 2013.

The Commission representative called on Council to reflect particularly on three issues when a revision of the mandate will come forward:

- a) The EMFF Regulation should not define what are serious infringements of EU environmental law;
- b) support for aquaculture stock insurance needs to be very limited, otherwise it would amount to being support to operational costs;
- c) support to the processing industry should also be limited, as this can be capital-intensive and has recourse to the regional fund.

The Presidency concluded that a detailed debriefing will be given at the Working Group on internal Fisheries Policy and that the Committee will consider outstanding political issues relating to the mandate at a future meeting.

- 31. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 16 and 17 December 2013**
(For the items in the remit of the Permanent Representative Committee)

The Committee prepared the provisional agenda for the items in its remit.

- 32. Request for an Advisory Opinion to the International Tribunal for the Law of the Sea (Case 21)**
– **Endorsement of the submission on behalf of the European Union to the Tribunal**
– **Decision to use the written procedure**
16769/13 PECHE 562 COMAR 33
15247/1/13 PECHE 476 COMAR 30 REV 1

The Committee considered the question of the possible submission of observations to the International Tribunal for the Law of the Sea (ITLOS) on the request for an Advisory Opinion from the Sub-regional Fisheries Commission (SRFC).

Delegations and the Presidency insisted that it is for the Council, in accordance with its policy-making functions under Article 16 TEU, to decide whether the Union should submit observations and, if so, to endorse their content. They disagreed with the Commission that Article 335 TFEU would allow the Commission to submit observations to the Tribunal on behalf of the Union without such prior endorsement by the Council.

The Committee noted that, insofar as the Council could not endorse any position regarding a possible submission to ITLOS on behalf of the European Union,

- no European Union position existed in this regards; and, therefore,
- no observations could be submitted to ITLOS on behalf of the European Union on the request for an Advisory Opinion from SRFC.

The Commission made the following statement :

"In connection with the request to the International Tribunal for the Law of the Seas (ITLOS) on the advisory opinion request in case 21, concerning illegal, unreported and unregulated (IUU) fisheries, the Commission takes note of the fact that the Council "noted that, insofar as the Council could not endorse any position regarding a possible submission to ITLOS on behalf of the European Union, no European Union position existed in this regards" and that, "therefore, no observations could be submitted to ITLOS on behalf of the European Union".

The Commission would like to underline that, as the case concerns an issue of Union competence, under Art. 335 TFEU it is for the Commission to express itself on behalf of the Union in legal proceedings, without requiring the prior approval by the Council, and that it closely cooperated with the Council on the main content of the intended submission.

The Commission still believes that it would have been preferable to have only one single submission on all aspects of the case, including the question of jurisdiction. However, considering that at this stage of the advisory opinion procedure it is not indispensable to make elaborate statements in the written submission on jurisdiction, in its initial written submission the Commission limits itself to a "without prejudice" statement (along the lines of "This submission is without prejudice to the question of the jurisdiction of the Tribunal to examine the request for an advisory opinion in respect of the questions raised before it."), and addresses the admissibility questions (as appropriate), as well as the substance, in more detail.

It should be stressed that this approach is without prejudice to the position the Commission will adopt in future cases.

The Commission finally recalls that Member States should in any case not make any submissions on the substance of the questions, because that would obviously affect the exclusive competence of the Union."

- 33. 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)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the results of the second informal trilogue with the EP on the above-mentioned Directive, held in the Council premises on 26 November 2013.

34. Preparation for the Council meeting (Environment) on 13 December 2013

- 1. Proposal for a Regulation of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (First reading) (Legislative deliberation)**
– **Orientation debate**
13457/13 ENV 817 AGRI 551 PECHE 370 FORETS 46 RECH 394 UD 226
COMER 207 REGIO 187 TRANS 469 SAN 327 CODEC 1978 (x)
16432/13 ENV 1082 AGRI 759 PECHE 544 FORETS 65 RECH 547 UD 299
COMER 262 REGIO 271 TRANS 602 SAN 456 CODEC 2632

The Committee took note of the questions, as revised by the Presidency during the meeting, to structure the orientation debate within the Council (ENV) on 13 December 2013.

- 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)**
– **Exchange of views**
11851/13 ENV 658 MAR 86 MI 602 ONU 71 CODEC 1661
16460/13 ENV 1085 MAR 178 MI 1050 ONU 119 CODEC 2639

The Committee took note of the brief background note and the questions prepared by the Presidency and set out in the Annex to document 16460/13, and agreed to forward them to the Council (ENV).

- 35. Audit**
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)
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)
– **Preparation for the informal trilogue**
16594/13 DRS 206 CODEC 2669

The Committee took note of the Presidency's information and discussed possible options in preparation of the next informal trilogue. The Committee decided to come back to this item on its next meeting.

- 36. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency (First reading) (Legislative deliberation)**
– **Preparation for the informal trilogue**
6347/13 TRANS 60 MAR 17 AVIATION 20 CAB 6 ESPACE 11 FIN 82
CSC 12 CODEC 315
16215/13 TRANS 592 MAR 172 AVIATION 210 CAB 45 ESPACE 91
FIN 760 CSC 148 CODEC 2571

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

- 37. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 5 December 2013**
- 1. Proposal for a Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure (First reading) (*Legislative deliberation*)**
– **General approach**
5899/13 TRANS 32 AVIATION 12 MAR 12 ENER 21 ENV 74 IND 28
RECH 29 CAB 4 CODEC 193
16452/13 TRANS 596 AVIATION 215 MAR 176 ENER 528 ENV 1077
IND 336 RECH 545 CAB 47 CODEC 2623

The Committee took note of delegations positions, resolved the major outstanding issue and agreed to forward the text to the Council inviting it to reach a general approach.

2. **4th Railway Package**
Proposal for a Regulation of the EP and the Council on the European Union Agency for railways and repealing Regulation (EC) No 881/2004 (First reading)
(Legislative deliberation)
- **Progress report**
6012/13 TRANS 38 CODEC 225
16407/13 TRANS 598 CODEC 2628

The Committee took note of the progress report on the proposal for a Regulation of the EP and the Council on the European Union Agency for railways and repealing Regulation (EC) No 881/2004 and decided to forward the progress report to the TTE Council of 5th December 2013.

3. **Draft Decision of the Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council, authorising the reopening of negotiations with the Federative Republic of Brazil on a comprehensive agreement on air transport services (Non legislative-activity)**
- **Adoption**
11187/1/13 TRANS 340 AVIATION 85 RELEX 540
AMLAT 11 RESTREINT EU
+ COR 1
16427/13 TRANS 600 AVIATION 218 RELEX 1041
COLAC 22 RESTREINT EU

The Committee confirmed the compromise reached at Working Party level and decided to submit this file to the TTE Council on 5 December 2013 for adoption.

4. **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)**
- **Progress report**
6342/13 TELECOM 24 DATAPROTECT 14 CYBER 2 MI 104
CODEC 313
16630/13 TELECOM 322 DATAPROTECT 178 CYBER 33 MI 1064
CODEC 2676

The Committee agreed that the report set out in 16630/13 could be forwarded to the Council to take note of it.

5. Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the costs of deploying high-speed electronic communications networks (First reading) (*Legislative deliberation*)

– **Progress report**

7999/13 TELECOM 60 COMPET 177 CODEC 686

16634/13 TELECOM 323 COMPET 866 CODEC 2677

In response to the Chair enquiring about changing the proposed Regulation into a Directive only two delegations and the Commission intervened in support of a Regulation, allowing the Chair to conclude that there is a broad support in favour of this change. This will be reflected in the report (doc. 16634/13) which the Committee agreed to forward to the Council so that it can take note of it.

6. 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*)

– **Orientation debate**

13555/13 TELECOM 232 COMPET 646 MI 753 CONSOM 161

CODEC 2000

+ ADD 2

16637/13 TELECOM 324 COMPET 868 MI 1067 CONSOM 202 CODEC 2679

The Committee agreed that the questions set out in 16637/13 could serve as a basis for the orientation debate to be held at the TTE Council on 5 December 2013.

7. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (First reading) (*Legislative deliberation*)

– **Progress report**

7615/13 AVIATION 47 CONSOM 47 CODEC 616

16577/13 AVIATION 225 CONSOM 201 CODEC 2663

The Committee took note of the progress report on the proposal for a Regulation of the EP and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air and decided to forward the progress report to the TTE Council of 5th December 2013.

38. Proposal for a Regulation of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
16564/13 MAR 181 FIN 827 CODEC 2657 ENV 1098

The Committee examined the text and gave the Presidency a broad mandate to conduct negotiations with the European Parliament at the informal trilogue on 3 December 2013.

39. 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)

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

The Chair debriefed the Committee on the constructive trilogue which took place on 26 November 2013: this trilogue focused on articles 1-19 [general provisions, electronic identification, trust services] of the proposal on the basis of the principles agreed by the Committee. A series of technical meetings will take place ahead of the 2nd trilogue scheduled on 16 December 2013, which the Committee will prepare on 11 December 2013.

40. Proposal for a Directive of the European Parliament and of the Council amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (First reading) (Legislative deliberation)

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

The Committee was informed of the main results of the informal trilogue held on 25 November 2013.

41. Amended proposal for a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the acquisition and preservation of supplementary pension rights (First reading) (Legislative deliberation)

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

The Committee was informed of the main results of the informal trilogue held on 26 November 2013.

42. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 and 10 December 2013

1. Draft Council conclusions on the "Effectiveness of institutional mechanisms for the advancement of women and gender equality" (*Non-legislative activity*)

– **Adoption**

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

15905/13 SOC 913 EGC 18

+ ADD 1

The Committee agreed to forward the draft conclusions to the EPSCO Council for adoption (doc. 15905/13).

2. Proposal for a Council Recommendation on effective Roma integration measures in the Member States (*Non-legislative activity*)

– **Adoption**

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

11738/13 SOC 552 POLGEN 128 JAI 577 EDUC 281 FREMP 99 COHOM 143

FSTR 67 FC 34 REGIO 139

16250/13 SOC 942 EGC 21 POLGEN 224 JAI 1010 EDUC 438 FREMP 184

COHOM 256 FSTR 145 FC 83 REGIO 261

The Committee agreed to submit the draft Recommendation to the Council for adoption following legal-linguistic fine-tuning.

3. 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*)

– **(poss.) General approach / Progress report**

16433/12 SOC 943 COMPET 708 DRS 130 CODEC 2724

16437/13 SOC 956 EGC 24 ECOFIN 1034 DRS 202 CODEC 2633

The Committee agreed to submit the Progress report (doc. 16437/13) to the EPSCO Council.

4. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (First reading) (*Legislative deliberation*)

– **Progress report**

11531/08 SOC 411 JAI 368 MI 246

16438/13 SOC 957 EGC 25 JAI 1025 MI 1045 FREMP 187

The Committee agreed to submit the Progress report (doc. 16438/13) to the EPSCO Council.

- 5. Proposal for a Decision of the European Parliament and of the Council on enhanced co-operation between Public Employment Services (PES) (First reading) (*Legislative deliberation*)**
- **General approach**
11474/13 SOC 534 MI 579 CODEC 1581
16441/13 SOC 959 MI 1047 CODEC 2635

The Committee agreed to forward to the Council the revised Presidency compromise text (doc. 16441/13) with a view to reaching a general approach. It also agreed to enter into the Council minutes a statement of the Council and the Member States of the EU.

- 6. Youth Employment (Non-legislative activity)**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)
- (i) **Commission proposal for a Council Recommendation on "Quality framework for traineeships"**
 - **Presentation by the Commission**
 - (ii) **Implementation of the Youth Guarantee /Youth Employment Initiative**
 - **State of play**

The Committee took note of the Commission presenting its proposal for a Recommendation and agreed to hold an exchange of views at the Council on the state-of-play of the implementation of the Youth Guarantee / Youth Employment Initiative.

- 7. Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (First reading) (*Legislative deliberation*)**
- **General approach**
8040/12 SOC 224 MI 193 COMPET 168
+ COR 1
16440/13 SOC 958 MI 1046 COMPET 839 CODEC 2634

The Committee discussed a revised Presidency compromise text on Arts. 9 and 12. The outcome of the Committee's discussions is reflected in document 17075/13.

8. **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 (First reading) (*Legislative deliberation*)**
and
Proposal for a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices (First reading) (*Legislative deliberation*)
- **Progress report**
 - **Exchange of views**
16609/13 PHARM 67 SAN 465 MI 1061 COMPET 862 CODEC 2672
16610/13 PHARM 68 SAN 466 MI 1062 COMPET 863 CODEC 2673

The Chair informed the Committee that the Presidency will :

- submit the progress report set out in 16609/13 to the Council (EPSCO) on 9-10 December 2013;
 - invite Health Ministers to hold an exchange of views on the basis of the questions set out in 16610/10.
9. **Draft Council conclusions on the "Reflection process on modern, responsive and sustainable health systems" (*Non-legislative activity*)**
- **Adoption**
16570/13 SAN 462

The Committee confirmed the text of the draft Council conclusions, set out in 16570/13 which will be submitted to the EPSCO Council on 10 December 2013 for adoption.

45. **Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases (First reading) (*Legislative deliberation*)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the results of the third informal trilogue with the EP on the above-mentioned Regulation, held in Brussels on 27 November 2013. The Presidency will seek for a revised mandate from the Committee on Annex III of the proposal for the last informal trilogue.

46. **Proposal for a Regulation of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union (First reading) (*Legislative deliberation*)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee of the outcome of the third informal trilogue held in Brussels on 28 November 2013 and indicated that it will present the text of the possible agreement to the Committee once the European Parliament has established its position.

47. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 12 December 2013

- 1. Proposal for a Directive of the European Parliament and of the Council on amending Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources amending and subsequently repealing Directives 2001/77 EC and 2003/30/EC and amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (*Legislative deliberation*)**
 - **Political agreement**
16543/13 ENER 541 ENV 1092 ENT 316 TRANS 609 AGRI 765 POLGEN 230
CODEC 2649

Most delegations reacted to the compromise set out in 16543/13, some of them (BE/DK/NL) opposed, stated that they are still considering their final position (PL/RO/HU/LU) or asked for modifications (IT on biogas and Annex IX). The Commission representatives highlighted three aspects on which the Commission would like a higher level of ambition (cap for conventional biofuels, advanced biofuels, multiplication factor for transport) and indicated that they will refer back to the college.

The Chair concluded that the compromise text will be submitted to the Council for political agreement with the following addition to article 10(1) in response to a request for clarification by ES: "Such delegated acts shall be without prejudice to waivers granted pursuant to Article 3(4)."

- 2. Internal energy market**
 - a) Follow-up to the European Council of 22 May 2013: progress on the completion of the internal energy market (*Non-legislative activity*)**
 - **Council report**
 - **Endorsement**
16389/13 ENER 529
 - b) Update on the completion of the EU internal energy market**

The Committee confirmed that the report set out in 16389/13 could be submitted to the Council for endorsement.

3. External energy relations

- a) Follow-up to the European Council of 22 May 2013: review of developments on the external dimension of EU energy policy (*Non-legislative activity*)**
 - **Council report**
 - **Endorsement**16390/13 ENER 530 RELEX 1034
- b) Recent developments in the field of external energy relations**
16393/13 ENER 532 COEST 366 RELEX 1035

The Committee confirmed that the report set out in 16390/13 could be submitted to the Council for endorsement. Depending on developments footnotes on page 4 might have to be amended.

48. 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**
16653/13 ECOFIN 1056 EF 235 SURE 22 DRS 209 CODEC 2682

The Committee agreed on a revised mandate for the next informal trilogue on the basis of the Presidency compromise set out in 16653/1/13 REV 1.

49. 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 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**
- c) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency will bring the Roadworthiness Package to the Committee on 4 December 2013, before the final trilogue meeting which will take place in Strasbourg on 9 December 2013, at 18h00.

- 50. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee has been debriefed by the Presidency on the outcome of the first trilogue meeting on this dossier.

The Presidency will inform the Committee on the future developments of this file.

- 51. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **(poss.) Analysis of the final compromise text with a view to agreement**

The Committee examined and approved the final compromise text and gave the Presidency the mandate to send a letter to the European Parliament confirming the agreement at first reading.

- 52. Proposal for a Regulation of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was informed of the main results of the informal trilogue held on 28 November 2013. The examination of the final compromise agreed in trilogues would take place at the Committee meeting on 11 December 2013.

53. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

16170/13 SAN 445 MI 1026 CODEC 2564 COMPET 859 FISC 223

The Committee agreed to give a mandate to the Presidency for the third trilogue on the basis of the text on Article 5 and 6 as set out in the Annex to the note 16170/13 with the following modifications:

1. implementing acts instead of delegated acts in Article 5.1a(new);
2. "the centralized EU reporting system" for additives on the "priority list";

The discussion on Article 18 should continue. The next trilogue will take place on

3 December 2013 and the Presidency will debrief the Committee on 4 December 2013.

54. Proposal for a Regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

16636/13 PHARM 70 SAN 469 MI 1066 COMPET 867 CODEC 2678

Following an exchange of views based on document 16636/13, the Committee agreed to return to this subject at its forthcoming meeting on 4 December 2013.

102. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars (First reading) (Legislative deliberation)

– **Analysis of the final compromise text with a view to agreement**

16923/13 ENV 1118 ENT 326 CODEC 2736

The Committee approved the overall compromise package set out in 16923/13 and authorised the Presidency to address the letter to the European Parliament with a view to a first reading agreement.

Coreper Part 2

II

88. Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (amendment to Annexes) (First reading)

- **Line to take for future negotiations with the EP**
16625/13 VISA 251 CODEC 2674 COMIX 624

Following the proceedings in the Mixed Committee on 27 November 2013 set out in document 17402/13, further discussions would take place in that formation at a later meeting in order to agree an approach.

89. Multiannual Financial Framework 2014-2020 (Home Affairs)

- **Proposal for a Regulation of the European Parliament and of the Council establishing, as a part of the Internal Security Fund, the instrument for financial support for external borders and visa (First reading)**
= **Approval of the compromise text**
16600/13 JAI 1037 FRONT 177 VISA 249 CADREFIN 322 CODEC 2671
COMIX 623

The Committee confirmed the agreement obtained in Mixed Committee. Next week the Committee will be asked to approve the final compromise text with a view to a first reading agreement with the European Parliament.

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

- a) **Draft Council Decision on the framework for the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**
 - **(poss.) Adoption**

The Committee took note of the outcome of the discussion in the Mixed Committee; discussions on this item are postponed until next week's Committee meeting.

b) Information from the Commission on work of the Task Force Mediterranean (TFM) with a view to discussions in Council

In Mixed Committee on 27 November 2013, the Commission had informed delegations on developments concerning the preparation of the Communication from the Commission on the work of the Task Force Mediterranean, and recalled that the Communication was scheduled to be adopted by the Commission and transmitted to the European Parliament and the Council on 4 December 2013. A number of delegations commented on that occasion on the structure and the substance of the expected report. The Commission noted these comments and would consider them when finalising its report, but made it clear that not necessarily all comments would be reflected. The Presidency recalled that following the discussions in the JHA Council on 5 and 6 December 2013, the Presidency would report to the December 2013 European Council as requested in its October 2013 conclusions.

c) Issues related to the free movement of persons
– **Final report from the Commission**

The Committee took note of the presentation of the Commission of its communication on the free movement of EU citizens and their families (doc. 16930/13) and agreed to submit this item to the Council.

d) Other items in connection with the Council meeting

The Presidency informed the Committee of the handling of the other items of the Council:

- Future development of the JHA area;
- Fight against terrorism: Foreign fighters and returnees from a counter terrorism perspective, in particular with regard to Syria, outcome of the EU-US JHA Ministerial meeting;
- Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law, and
- Accession of the EU to the ECHR.

- e) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (First reading)**
- **General approach**
16133/13 JUSTCIV 267 PI 167 CODEC 2630
+ ADD 1

The outcome of the discussions is set out in 16982/13 + ADD 1.

- f) **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**
16571/13 JUSTCIV 275 CODEC 2660
+ ADD 1

The outcome of the discussions is set out in 16991/13 + ADD 1.

- g) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings (First reading)**
- **Orientation debate**
16559/13 JUSTCIV 274 EJUSTICE 101 CODEC 2654

The outcome of the discussions is set out in 17003/13.

h) e-Justice

- i) **Strategy on European e-Justice 2014-2018**
- **Adoption**
16458/13 EJUSTICE 99 JUSTCIV 273 COPEN 210 JAI 1027
- ii) **Work achieved during the second semester of 2013**
- **Information by the Presidency**
16269/13 EJUSTICE 98 JURINFO 39 JUSTCIV 271 JUSTPEN 13
COPEN 205 DROIPEN 140 FREMP 185

The outcome of the discussions is set out in 16269/13.

- i) **Justice aspects of the European semester, including the Justice Scoreboard**
16623/13 JAI 1041 FREMP 191 JUSTCIV 276 COPEN 212 DROIPEN 145
JAIEX 97
15803/13 ECOFIN 984 SOC 904 COMPET 781 EDUC 425 ENV 1025
RECH 509 ENER 502 FISC 214 JAI 1039
+ COR 1

The Committee agreed that this item would be submitted to the Council for discussion on the basis of a Presidency discussion paper.

- j) **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)**
– **The one-stop-shop mechanism: partial general approach on essential elements**
16626/1/13 REV 1 DATAPROTECT 177 JAI 1042 MI 1063 DRS 208
DAPIX 145 FREMP 192 COMIX 625 CODEC 2675

The Chair announced that the Presidency would not be seeking a partial general approach on a legal text on this issue at the Council. This was welcomed by a large number of delegations, which stated that, notwithstanding the progress achieved on this topic, they were not in a position to agree to a partial general approach. Regarding the question whether the supervisory authority responsible for the main establishment of a controller could in some cases be entrusted with corrective powers, delegations were divided and some delegations were still undecided.

The CLS intervened to make a number of points regarding the relationship between the one stop shop mechanism and judicial redress and judicial review for individuals affected by data protection violations. The Chair asked the CLS for written opinion on this.

91. **EU-Korea Summit (Brussels, 8 November 2013)**
– **Debriefing**
92. **EU-Japan Summit (Tokyo, 19 November 2013)**
– **Debriefing**
93. **EU-China Summit (Beijing, 21 November 2013)**
– **Debriefing**

The Committee agreed to defer these three items to its next meeting.

94. Eastern Partnership

- **Preparation of the Eastern Partnership Summit (Vilnius, 28-29 November 2013)**
- = **Draft Joint Declaration**
16692/13 COEST 375 NIS 76

The Committee agreed on the text of the Vilnius Eastern Partnership Summit Joint Declaration as proposed by the European External Action Service (doc. 16692/13), and invited the European External Action Service to finalise the text with the partners on the basis of the above proposal.

Spain entered the following unilateral statement in the minutes of the meeting:

"In a spirit of compromise, and in order to facilitate consensus on the Joint Declaration to be signed at the Eastern Partnership Summit (Vilnius, 28-29 November 2013), Spain has accepted not to block an agreement on the language of the Declaration that refers to the *Common Aviation Area Agreement between the European Union and its Member States and Ukraine* that the Commission intends to initialize with Ukraine on the margins of the Summit.

Nevertheless, Spain formally declares that it cannot accept the wording of Definition (27) "Territory" as it presently stands in the text of the *Common Aviation Area Agreement between the European Union and its Member States and Ukraine*, and will therefore refuse to sign or ratify the Agreement until such wording is modified in line with an agreement to be reached between Spain and the United Kingdom on the matter."

95. Presentation of the agenda of the Council meeting (Foreign Affairs) on 16 December 2013

EEAS Secretary General Pierre Vimont provided delegations with an outline of the agenda. The Foreign Affairs Council should start at 9h30 and end at 13h30; in principle there would be no afternoon session. Russia Foreign Minister Sergey Lavrov will join the ministerial lunch.

The draft agenda would include:

- EEAS review (Council Conclusions to be adopted at the GAC the following day)
- Southern Neighbourhood (Syria, (poss.) Lebanon and Libya)
- MEPP
- Afghanistan
- Eastern Partnership (post Vilnius)
- Russia: in view of the EU-RUS summit early next year as well as in view of structuring the debate prior to the lunch (possible items: international relations in the fields of trade, energy, visas and human rights, but also Syria, Iran, MEPP).

Western Balkans: possibly to be addressed in the HR's preliminary remarks.

A items: EU-Cuba agreement negotiating mandate as well as Council conclusions on DRC and Burma/Myanmar.

96. Presentation of the agenda of the Council meeting (Foreign Affairs/Development) on 12 December 2013

The EEAS updated the Committee on preparation of the 12 December 2013 meeting of the Council (Foreign Affairs/Development) and made a brief presentation of the provisional agenda.

97. Preparation of the Council meeting (Foreign Affairs/Trade) on 3 December 2013

a) IX World Trade Organization Ministerial Conference (Bali, 3-6 December 2013)

- **First set of draft Council conclusions on the 9th World Trade Organization Ministerial Conference**
16763/13 WTO 309
- **Second set of draft Council conclusions on the 9th World Trade Organization Ministerial Conference**
16777/13 WTO 310
- **Draft Council Decision establishing the position to be taken by the European Union within the 9th Ministerial Conference of the World Trade Organization regarding food security, Tariff Rate Quota administration and the Monitoring Mechanism**
15637/13 WTO 290 DEVGEN 285 AGRI 718

The Committee discussed the state of play in the Doha Development Agenda negotiations ahead of the 9th WTO Ministerial Conference.

The Committee discussed the two sets of draft Council conclusions - one to be adopted by the Foreign Affairs Council (Trade) at the beginning of the Ministerial Conference and the other one at the end of the Ministerial Conference. Following a request from some delegations for the Commission to make a statement to the Council minutes regarding voluntary restraints to transit, the Commission expressed its readiness to prepare such a statement once the text of the Trade Facilitation Agreement was stabilised. The Chair concluded that delegations had broadly supported the draft Council conclusions whose adoption would be decided by the Foreign Affairs Council (Trade).

The Committee discussed the Draft Council Decision establishing the position to be taken by the EU within the 9th WTO Ministerial Conference regarding food security, Tariff Rate Quota administration and the Monitoring Mechanism. The Council Legal Service clarified certain legal aspects of the draft Decision and agreed to prepare a written note in this respect. The Chair concluded that the Committee had approved the above-mentioned draft Council Decision, as featured in the lawyers/linguist document 15637/13, and that it would be adopted by the Foreign Affairs Council (Trade) once there was certainty on the outcome of the Ministerial Conference as regards the Doha Development Agenda negotiations.

b) Other items in connection with the Council meeting

The Chair informed delegations about various organisational and procedural aspects of the Foreign Affairs Council (Trade) meeting to be held in the margins of the 9th WTO Ministerial Conference.

98. Presentation of the agenda of the Council meeting (General Affairs) on 17 December 2013

The Committee took note of the main items of the General Affairs Council, notably the European Council preparations, the Enlargement conclusions, the Serbia negotiating framework, the EEAS Review conclusions.

**99. (poss.) Proposals for external financing instruments under Heading 4 (2014-2020)
(First reading)**

The Committee agreed to defer this item to its next meeting.

100. Preparation of the Council meeting (Economic and Financial Affairs) on 10 December 2013

– Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

– Any other business (Coreper Part 1)

- **SMA update**
 - **Information from the Presidency**

The Committee took note of the state of play on SMA I and II files.

FR expressed its concerns regarding external speakers at the Council meetings.
