



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 16 January 2014
(OR. en, fr)**

17667/13

CRS/CRP 44

SUMMARY RECORD

Subject: 2478th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 11, 13 and 16 December 2013

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1. **Adoption of the provisional agenda and "I" items**
doc. 17527/1/13 REV 1 OJ/CRP1 44 + ADD 1
17557/2/13 REV 2 OJ/CRP2 44 COMIX 693 + CM 5742/13

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

The following items are **added** :

(Coreper Part 1, under I)

42. Proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) (First reading) (Legislative deliberation)

- **Adoption of the legislative act**
PE-CONS 99/13 SOC 797 ECOFIN 877 FSTR 124 COMPET 715 AGRI 648
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PE-CONS 114/13 ENV 1050 ENER 512 IND 319 COMPET 807 MI 1003
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+ ADD 1

120. Commission Regulation (EU) No .../.. of XXX amending Regulation (EU) No 601/2012 as regards global warming potentials for non-CO2 greenhouse gases

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17163/13 ENV 1153 MI 1111 IND 354 ENER 556 COMPET 886
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16004/13 ENV 1048 MI 1001 IND 317 ENER 511 COMPET 806
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(Coreper Part 2, under I)

121. Enlargement

- **Accession negotiations with Montenegro**
= **Chapter 23: Judiciary and fundamental rights**
17471/13 ELARG 160

- 122. Enlargement**
– **Accession negotiations with Montenegro**
= **Chapter 24: Justice, freedom and security**
17473/13 ELARG 161
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17120/13 PESC 1451 COEST 385 COSDP 1117
17483/13 PESC 1498 COEST 393 COSDP 1129
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17249/13 PESC 1464 RELEX 1108 COMEM 271 FIN 881 CODUN 66 CONUN 146
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16767/13 PESC 1421 RELEX 1063 COMEM 263 FIN 837
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17287/13 PESC 1469 COMEP 39
17534/13 PESC 1504 COMEP 40
- 126. Council Directive amending Directives 2006/112/EC and 2008/118/EC as regards the French outermost regions and Mayotte in particular**
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17668/13 FISC 257 POSEIDOM 29
16766/13 FISC 234 POSEIDOM 22
+ COR 1 (sl)
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– **Adoption**
17337/13 FISC 249
17041/13 FISC 241

- 128. Case before the General Court**
– **Case T-410/13 (Bitiqi e.a. / Commission, EEAS and Eulex Kosovo)**
= **Request for Council intervention**
17597/1/13 REV 1 JUR 641 INST 682 STAT 54 CIVCOM 495
- 129. Relations with Lebanon: Union position within the Association Council with regard to the adoption of a recommendation on the implementation of the second EU-Lebanon ENP Action Plan**
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17589/13 MED 58 PESC 1513
UE-RL 3002/13
- 130. Enlargement**
– **Accession negotiations with Montenegro**
= **Chapter 6: Company law**
17676/13 ELARG 167
- 131. Enlargement**
– **Accession negotiations with Montenegro**
= **Chapter 20: Enterprise and industrial policy**
17677/13 ELARG 168
- 132. Draft Council conclusions on Special report No 5/2013: Are EU Cohesion Policy funds well spent on roads?**
17691/13 FIN 947 FSTR 169 FC 104 REGIO 305 TRANS 669
- 133. Draft Council Implementing Decision implementing Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions**
– **Appointment of the Chair of the ECB Supervisory Board**
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17744/13 PESC 1530 RELEX 1168 COMEM 289 COHOM 285

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17690/13 STAT 57 FIN 946
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17617/13 JUSTCIV 311 EJUSTICE 121 CODEC 2917
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- 138. Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures (OMNIBUS II) (First reading) (LA+S)**
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+ADD 1

(Coreper Part 2, under II)

116. Preparation of the Council meeting (Foreign Affairs) on 16 December 2013

- j) (poss.) Iranian nuclear issues
 - Draft Council conclusions
17774/13 COMEM 292 CONOP 154

The following items are **withdrawn** :

(Coreper Part 1, under I)

24. Draft Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Russian Federation on drug precursors

- Adoption
 - 8178/13 UD 72 OC 185
 - + COR 1 (hu)
 - + COR 2 (en)
 - + COR 3 (bg,cs,da,de,et,el,es,fr,fi,hu,it,lv,lt,mt,nl,pl,pt,ro,sl,sk,sv)
 - + COR 4 (bg,cs,da,de,et,el,es,fr,fi,hu,it,lv,lt,mt,nl,pl,pt,ro,sl,sk,sv)
 - + COR 5 (el,es,pl)
 - 12221/13 UD 184
 - 17397/13 UD 328

(Coreper Part 2, under I)

97. (poss.) Recommendation from the Commission to the Council to authorise the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate, on behalf of the European Union, the provisions of a Political Dialogue and Cooperation Agreement between the European Union, of the one part, and the Republic of Cuba, of the other part

17107/13 COLAC 23 PESC 1446 ACP 183 DEVGEN 300 RELEX 1089
PVD 2 WTO 318 RESTREINT UE
17116/13 COLAC 24 PESC 1449 ACP 184 DEVGEN 301 RELEX 1091
PVD 3 WTO 319
+ ADD1 RESTREINT UE
17119/13 COLAC 25 PESC 1450 ACP 185 DEVGEN 302 RELEX 1092
PVD 4 WTO 320

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

The Commission made a statement on the following items :

21. Proposal for a Council Regulation adjusting, from 1 July 2013, the rate of contribution to the pension scheme of officials and other servants of the European Union

– **Adoption**

16217/13 STAT 41 FIN 761

17195/13 STAT 49 FIN 870

22. Proposal for a Council Regulation adjusting with effect from 1 July 2013 the correction coefficients applied to the remuneration and pensions of officials and other servants of the European Union

– **Adoption**

16221/13 STAT 42 FIN 762

17198/13 STAT 50 FIN 871

23. Proposal for a Council Regulation laying down the weightings applicable from 1 July 2013 to the remuneration of officials, temporary staff and contract staff of the European Union serving in third countries

– **Adoption**

16031/13 STAT 39 FIN 736 POLGEN 217 RELEX 1008

17199/13 STAT 51 FIN 872 POLGEN 252 RELEX 1101

"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."

DK made a statement on the following item :

22. Proposal for a Council Regulation adjusting with effect from 1 July 2013 the correction coefficients applied to the remuneration and pensions of officials and other servants of the European Union

- **Adoption**
16221/13 STAT 42 FIN 762
17198/13 STAT 50 FIN 871

"Denmark votes against the proposal. Denmark would note its opposition in principle to the method of adjusting the remuneration and pensions of EU officials, given the high level of salaries in the EU institutions."

* * * * *

LT made a statement on the following item :

74. Proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programme in Lithuania

- **Adoption**
17313/13 ATO 161 CADREFIN 349
+ COR 1
16635/13 ATO 151 CADREFIN 325
+ COR 1

"Lithuania welcomes the decision of the Council, supported by the European Parliament, to retain Protocol No 4 constituting part of primary law as the legal basis for the Council Regulation on Union support for the nuclear decommissioning assistance programme in Lithuania.

The recourse to Article 203 of the Euratom Treaty cannot be justified in case of Ignalina programme, which is intended to be seamlessly continued and extended in order to provide continued adequate Community assistance for the Ignalina programme, provided that another legal basis, notably Protocol No 4, exists in primary law. Commitment to this approach has been reinforced in the European Council conclusions from the 7-8 of February 2013, where Footnote of 19th paragraph on Multiannual Financial Framework signifies granting EU financial support to Ignalina NPP during 2014-2020 according to protocol No 4.

Lithuania retains its position that Protocol No 4 remains the correct legal basis for the European Union to provide continued financial assistance during the period of the next financial perspectives while the Ignalina Programme as extended shall be based on the same elements and principles as described in the aforementioned Protocol. Lithuania also recalls its discretion to defend this right."

The Council Legal Service made an intervention on the following item:

99. Joint Declaration establishing a Mobility Partnership between the Kingdom of the Hashemite Kingdom of Jordan and the European Union and its participating Member States

17031/13 ASIM 104 RHJ 6

"The CLS stressed that the endorsement by the Council of the draft *Joint Declaration establishing a Mobility Partnership between the Kingdom of the Hashemite Kingdom of Jordan and the European Union* constitutes the exercise of functions assigned to the Council by Article 16 TEU. Moreover, that endorsement follows a procedure which has been unanimously agreed by the delegations at the High Level Working Group on Asylum and Migration of 12 April 2013 without the Commission having objected."

* * * * *

FR made a statement on the following item:

126. Council Directive amending Directives 2006/112/EC and 2008/118/EC as regards the French outermost regions and Mayotte in particular

– **Adoption**

17668/13 FISC 257 POSEIDOM 29

16766/13 FISC 234 POSEIDOM 22

+ COR 1 (sl)

+ COR 2 (hr)

"La France souscrit pleinement à l'avis du service juridique du Conseil contenu dans le document 13829/13 du 23 septembre 2013 et considère que l'article 349 du Traité sur le fonctionnement de l'Union européenne constitue la base juridique appropriée et suffisante justifiant les dérogations et dispositions transitoires prévues pour l'application de l'acquis communautaire à Mayotte. Le département d'outre-mer de Mayotte se caractérise en effet par une situation économique et sociale particulièrement difficile, aggravée par son éloignement, son insularité et sa faible superficie, autant de facteurs dont la permanence et la combinaison nuisent gravement à son développement.

De manière générale, la France rappelle que l'article 349 TFUE constitue une base juridique horizontale autonome, dont la vocation est de permettre l'adoption de mesures adaptées aux régions ultrapériphériques, tenant compte de leur situation économique et sociale particulière ; il couvre l'ensemble des politiques communes, les conditions d'accès aux fonds structurels et les programmes horizontaux de l'Union. La France continuera de veiller à ce que son plein effet utile soit préservé, sans préjudice des compétences du Parlement européen et conformément aux intentions des rédacteurs du Traité sur le fonctionnement de l'Union européenne."

ES and PT joined the FR statement.

* * * * *

The Legal Service of the Council made the following intervention on the same item (Mayotte):

"Le service juridique a rappelé que la seule base juridique adéquate pour adopter la mesure est l'article 349. Il regrette que l'opposition de la Commission à un changement de la base juridique proposé et l'absence de l'unanimité requise au sein du Conseil pour se prononcer sur la base de l'article 349 contraignent le Conseil, vu l'urgence, à adopter l'acte sur une base juridique erronée. Il accueille favorablement la déclaration faite dans le même sens par certaines délégations et signale que la décision d'aujourd'hui ne peut pas être interprétée comme un abandon de la pratique suivie par le Conseil jusqu'à ce jour dans des affaires analogues."

Coreper Part 1

II

28. 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**

17373/13 SAN 505 MI 1126 CODEC 2836 COMPET 902 FISC 250

+ ADD 1

+ ADD 2

17506/13 SAN 514 MI 1144 CODEC 2887 COMPET 913 FISC 252

+ ADD 1

+ ADD 2

In view of the trilogue to be held on 11 December 2013 in the afternoon, the Committee agreed some changes to the Council's position as set out in point 9 of the note 17373/13 and reflected in the fourth column of ADD1 to the note 17373/13.

The Committee will revert to this issue on 13 December 2013 to agree on the mandate for the last trilogue that will take place on 16 December 2013.

The Committee agreed to give a mandate to the Presidency for the third trilogue as outlined in the document 17506/13 + ADD1-3 with the following modifications:

- 1) concerning Art. 18 (e-cigarettes):
 - a. delete provisions allowing for refillable containers to stay on the market
 - b. put back the limit of maximum level of nicotine in e-cigarette at 10 mg/unit
- 2) keep the text of Council's general approach for Article 16 and corresponding recital (30).

The next trilogue will take place on 16 December 2013 and the Committee will revert to this issue on 18 December 2013.

- 29. 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)**
- **Analysis of the final compromise text with a view to agreement**
16892/13 MAR 184 FIN 843 CODEC 2724 ENV 1155

The Committee analysed the outcome of the third informal trilogue with the European Parliament and agreed to reject the final compromise text. The Presidency undertook to inform the rapporteur of the Committee's decision and to report back to the Committee on any reply received.

- 30. 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 informal trilogue**
 - **Consideration of the outcome of the last informal trilogue**
17592/13 TRANS 665 CODEC 2903

The Presidency informed the Committee on the results of the trilogue with the European Parliament, held in Strasbourg on 9 December 2013. On the basis of those results, the Presidency submitted to the Committee suggestions for a final agreement with the European Parliament. Delegations asked for more time to examine the proposals. The Presidency will come back to the roadworthiness package on 18 December 2013.

31. 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)

- **Analysis of the final compromise text with a view to agreement**
17451/13 ENV 1172 AGRI 823 WTO 331 PI 180 DEVG 320 MI 1138
SAN 507 CODEC 2864
+ COR 1

The Committee endorsed the agreement reached with the European Parliament after the informal trilogue on 28 November 2013, as set out in the Annex to 17451/13 + COR 1, and mandated the Presidency to inform the European Parliament accordingly with a view to the future adoption of the proposed Regulation at first reading.

32. 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)

- **Analysis of the final compromise text with a view to agreement**
16092/13 SOC 927 FSTR 143 CADREFIN 299 REGIO 253 CODEC 2543
+ COR 1
+ ADD 1

The Committee agreed to the final compromise text as set out in 16092/13 ADD 1, with the following adjustments:

- Germany informed that its allocation would be EUR 70 million (Annex III);
- the DE adjustment above would allow calculating the sums in Annex III and in Article 6(1);
- following a request by FI, the words "and storage costs" were added to Article 24(1)(b).

The DK and UK delegations indicated that they would make statements to the minutes of the Council session to adopt the Regulation. DK also indicated that it would vote against the Regulation. UK maintained its general reservation and parliamentary scrutiny reservation on the Regulation.

33. 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

17426/13 SOC 1022 MI 1136 EDUC 460 ECOFIN 1122 JEUN 120 JAI 1121
ETS 53 CODEC 2853

The Committee examined the provisional compromises found in the trilogues and technical meetings and/or suggested by the Presidency, as set out in 17426/13. Several delegations considered that they had not enough time to study the suggestions, entering scrutiny reservations on the new text suggestions. The following comments were made:

- the statement to the ECOFIN Council minutes on tax issues (on doc. 16657/13) should be kept in mind;
- references to family members or place of residence should not expand the personal scope of the Directive; in the context of family members, some delegations stressed that the issue of legal partnerships should not be raised in this Directive;
- no new structures should be established (cf. national contact points suggested by the EP);
- DK, LU and UK considered that a reference to health and safety at work should not be included in the text of the Directive;
- ES, LU and SK considered that a reference of public sector posts should not be included in the text of the Directive.

For its part, the Commission considered that health and safety at work was included in the working conditions.

The Committee agreed that the first reading trilogues with the European Parliament should be continued taking into account the comments made, in particular on the tax issues.

34. **Proposal for a Regulation of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005, Directive 2009/128/EC and Regulation (EC) No 1107/2009 and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (First reading) (Legislative deliberation)**
- **Presidency debriefing on the informal trilogue**

The Presidency informed the Committee on the outcome of the first informal trilogue, held on 10 December 2013, which was quite positive for the Council.

The Commission stressed that the approval of the EU funding for individual programmes should be the task of the Commission, while the participation of Member States will be ensured through the drafting of work programmes.

Further information and a proposal to revise the mandate for negotiation will be presented to the Committee on 13 December 2013.

- **Preparation for the informal trilogue**

The Presidency presented a revised mandate for negotiation. Changes had been introduced in order to address concerns expressed by the European Parliament in the area of delegated acts. It was also suggested to introduce a new annex III, containing general priorities for the sectors concerned, and to be modified through delegated acts.

The Chair concluded that the revised mandate for negotiation, as set out in working document 2056/13 + ADD1, was supported by the Committee. One modification was introduced: the removal of the possibility of amending the new Annex III through delegated acts.

35. Preparation for the Council meeting (Agriculture and Fisheries) on 16 and 17 December 2013

- 1. Proposal for a Council Regulation fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters (*Non-legislative activity*)**
 - **Political agreement**
15299/13 PECHE 478
+ REV 1 (de,nl,es,pt,cs,lt,pl,bg,hr)
17370/13 PECHE 598
17371/13 PECHE 599

The Committee considered a report from the Working Party (doc. 17370/13) and a note from the Presidency (doc. 17371/13) which outlined a general orientation for a compromise. Some delegations highlighted some of their concerns and suggested potential additional approaches to be considered when defining the final compromise. The Presidency concluded that there was broad support for its general orientation for a compromise.

- 2. Proposal for a Council Regulation fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea (*Non-legislative activity*)**
 - **Political agreement**
16675/13 PECHE 556
+ REV 1 (bg,da,de,et,es,fr,fi,hu,it,lv,lt,mt,nl,pl,pt,ro,sl,sk)
17212/13 PECHE 591

The Committee examined the outstanding issue which concerns the TAC for turbot. The matter was referred to Council.

- 36. 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**
17474/13 PHARM 74 SAN 512 MI 1142 COMPET 911 CODEC 2876
+ ADD 1 - 8

Following an exchange of views, the Committee gave the Presidency a mandate to continue the negotiations based on the text proposals set out in the rightmost column in the tables in the addenda to Note 17474/13 with changes based on the Presidency compromise proposals explained in the main text of the Note regarding Authorisation of clinical trials, informed consent in cluster trials, and Participation of lay persons in the assessment of applications for conducting clinical trials.

37. 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**

17407/13 TELECOM 340 MI 1130 DATAPROTECT 195 EJUSTICE 112

CODEC 2845

+ COR 1

While taking note of a few remarks (AT on the definition of "legal person", NL on the complexity resulting from mixing mandatory and voluntary recognition of assurance levels and foreseeing different liability regimes for qualified and non-qualified trust services providers, Commission on the long transitional period foreseen) the Committee gave the Presidency a mandate for the 2nd trilogue on 16 December 2013 on the basis of document 17407/13 + COR 1.

38. 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)

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

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

17391/13 TRANS 653 MAR 196 AVIATION 243 CAB 52 ESPACE 106

FIN 905 CSC 174 CODEC 2841

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.

39. 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 information given by the Presidency on the outcome of the informal trilogue held on 11 December 2013 and the major elements agreed by the negotiators.

A number of delegations opposed the solutions found by the negotiators, in particular in relation to the EP amendments to Annexes I and II, and expressed major difficulties with other parts of the text. Following a short exchange of views, the Chair of the Committee concluded that he would inform the EP of the Council's position.

40. 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)

– **Preparation for the informal trilogue**

17545/13 ESPACE 107 CODEC 2899 COMPET 915 RECH 595 IND 368
TRANS 661 MI 1148 ENER 574 ENV 1184 COSDP 1131 CSC 179
TELECOM 343

The Committee gave the Presidency the mandate for the second trilogue on the basis of the document 17545/13.

41. Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

17385/13 DRS 217 COMPET 903 ECOFIN 1112 SOC 1018 CODEC 2839

The Committee provided a mandate to the Presidency to start negotiations with the European Parliament on the basis of the Presidency compromise set out in the Annex to document 17385/13 as amended by the Committee in relation to the proposed Articles 19a (1), 29a (1) of Directive 2013/34/EU (scope) and the proposed new Article 2 (review). The amended text was circulated in document 17951/13.

Coreper Part 2

II

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

- a) **Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (First reading)**
 - **Approval of the final compromise text with a view to a first reading agreement with the European Parliament**
17425/13 JAI 1120 ENFOPOL 409 PROCIV 144 CADREFIN 351
CODEC 2852

The Committee approved the final compromise text, as agreed at the last trilogue. The Presidency will now inform the EP. Eight Member States will make a declaration on land borders at the time of adoption of the Regulation.

- b) **Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (First reading)**
 - **Outcome of the last trilogue meeting and mandate for the next round of negotiations**
17431/13 JAI 1122 ASIM 109 MIGR 139 ASILE 44 CADREFIN 352
CODEC 2855

The Committee discussed the only remaining obstacle in connection to the AMF Regulation and supported (after a silence procedure held the same day) the CLS position recommending not to use Article 80 as a legal base. The Presidency will inform the Rapporteur accordingly while suggesting possible alternative formulations in the spirit of the consensus at the Committee.

101. Follow-up to the Council meeting (Justice and Home Affairs) on 5/6 December 2013

The Committee was informed about the main items discussed at the Council, while also HU and SK emphasised the discussion on EPPO.

The Committee supported the following intervention of the Legal Service on the organisation of discussions in the Council and the participation of members of the College.

"The representative of the Council Legal Service explained that the intervention by the Commission Legal Service, at the invitation of the Commissioner, during the debate in Council was inappropriate and not in line with the Council Rules of procedure. The Legal Service of the Council assists the Council and its preparatory bodies in order to ensure that Council acts are lawful and well drafted. When doing so, it acts with the necessary independence, objectivity and impartiality. It is not questioned that members of the Council and/or other institutions, including the Commission, may have divergent views to those expressed by the Council Legal Service and nothing prevents them from conveying their views. However, each institution has its own legal service to advise its decision-making instances, under the conditions of impartiality and loyalty to their institution. It is obvious that the Commission Legal Service could not in full impartiality question within the Council the legality of a proposal adopted by the Commission, regardless the view it has taken internally. This is the reason why it is not for the Council Legal Service to advise the Commission or the European Parliament on how these institutions should act and why it should not be for the Commission Legal Service to advise the Council. Furthermore, a verbal confrontation of the representatives of the Legal Services will most often not facilitate a better assessment of the legal questions by the members of the Council, while it will prevent that the opinions of the Council Legal Service be presented in the required independent, non-partisan approach."

102. Follow-up to the Council meeting (Foreign Affairs/Trade) on 3 December 2013

The Chair recalled the main results of the 9th WTO Ministerial Conference (MC9) and the outcome of the Council meeting held in the margins of the MC9.

Following the discussion, the Chair agreed with the appropriateness of reflecting the positive MC9 outcome in the conclusions of the forthcoming European Council and clarified the procedural aspects concerning the adoption of *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* (doc. 15637/13) by the Council (Justice and Home Affairs) on 6 December 2013.

103. Proposal for Decision of the European Parliament and of the Council on granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union (First reading)

– **Preparation for the next informal trilogue**

17449/13 ECOFIN 1126 RELEX 1130 CODEC 2863

The Committee agreed to update the Presidency's mandate for negotiations with the European Parliament on the above proposal.

The Committee agrees that the reference to "amounts exceeding EUR 110 million which have been paid back to the fiduciary account established for the FEMIP" refers to past reflows and does not prejudice the use of future reflows to be paid back to the fiduciary account established for the FEMIP from 1 January 2014.

104. Follow-up to the Council meeting (Economic and Financial Affairs) on 10 December 2013

- The Ministers' breakfast session focused on the Eurogroup debrief of the previous day and 22 November 2013, as well as on the economic situation.
- The formal Council session started with the discussion on taxation of savings income. ECOFIN did not reach political agreement on the item. The state of play of this item will be noted in the ECOFIN report to the EC on tax issues accordingly, as this question was on the December ECOFIN agenda in view of the EC mandate to reach a political agreement on the issue by the end of 2013.
- The Ministers then addressed the outstanding issues from the Council's perspective on the Bank Recovery and Resolution and Deposit Guarantee Schemes directives. The agreed updated negotiating stance on these issues will be used by the Presidency at the final trilogue with the European Parliament on 11 December 2013.

- As the next point on the agenda, the Ministers had an exchange of views on the state of play of a proposal for a Council Regulation establishing a facility for providing financial assistance for Member States whose currency is not the euro. The dossier will be examined further with a view to securing the unanimous agreement that is required for this proposal.
- Under the non-legislative items part, the Council discussed the Alert Mechanism Report and 2014 Annual Growth Survey. They were also briefed on the EFC report on the coordination of economic policies and reforms and the pilot project on ex-ante economic reform plans carried out by the EPC. The ECOFIN President will write a letter to the President of the European Council on the main areas of economic policies and reforms.
- The Ministers also adopted Council opinions on the Economic Partnership Programmes of Spain, France, Malta, the Netherlands and Slovenia. In addition, the Council adopted a decision and recommendation to Poland in relation to its excessive deficit, and the Commission briefed on broader assessment of effective action and other EDP related aspects from its Autumn round of assessment.

105. Own Resources legislative package:

- a) **Amended proposal for a Council Decision on the system of own resources of the European Union**
 - **Political agreement**
17466/13 RESPR 19 FIN 919 CADREFIN 358 POLGEN 257
- b) **Amended proposal for a Council Regulation laying down implementing measures for the system of own resources of the European Union**
 - **Agreement in principle**
17468/13 RESPR 20 FIN 920 CADREFIN 359 POLGEN 258
- c) **Amended proposal for a Council Regulation on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (Recast)**
 - **Political agreement**
17470/13 RESPR 21 FIN 921 CADREFIN 360 POLGEN 259

The Committee examined the Presidency's revised proposals for the three legislative texts.

It decided to come back to this issue at an upcoming meeting.

106. Public access to documents

17177/13 JUR 619 INF 225 API 116
14920/13 JUR 534 CIS 16 CSC 126 AG 8
15911/13 JUR 588 API 110

At the request of the President, the representative of the Legal Service explained the implications of the Court's judgment in case C-280/11 P. The President, as an additional point, recalled the obligation to respect confidentiality when handling Council documents marked as "LIMITE".

107. Preparation of the Council meeting (General Affairs) on 17 December 2013

a) Preparation of the European Council on 19-20 December 2013

- **Draft conclusions**
15653/13 CO EUR-PREP 45

The Committee had an exchange of views on the draft European Council conclusions, in particular in the area of Common Security and Defence Policy, Economic and Social Policy, EMU, Migration Flows, Enlargement and the Stabilisation and Association Process, External Relations and other items.

b) EEAS review

- **Draft Council conclusions**
17455/13 POLGEN 256 INST 677 PESC 1491 CSDP/PSDC 783

The Committee examined the draft Council conclusions on the EEAS Review on the basis of document 17455/13 and agreed to forward them to Council for further discussion and adoption.

c) Enlargement and Stabilisation and Association Process

- **Draft Council conclusions**
17032/1/13 REV 1 ELARG 154 COWEB 177

The Committee on 11, 13 and 16 December 2013 respectively held an exchange of views on the draft Council conclusions on Enlargement and Stabilisation and Association Process on the basis of document 17032/1/13 REV 1, Presidency compromise proposals circulated informally, and document 17032/2/13 REV 2. The outcome of the discussion is reflected in document 17837/13.

Concerning the former Yugoslav Republic of Macedonia, the Greek delegation, at the meeting of the Committee on 13 December 2013, requested to have explicit reserves entered on paragraph 34 on the draft conclusions, where it wished to insert a new sentence "Actions and statements which continue to negatively impact on good neighbourly relations should be avoided" after the second sentence, if the reference to the December 2008 GAERC conclusions in the same paragraph was to be dropped, and on paragraph 35, where it requested to put "broadly shares" in the first line between square brackets.

d) Other items in connection with the Council meeting

Le Comité a mis au point l'ordre du jour provisoire de la session du Conseil Affaires générales.

e) Accession negotiations with Serbia
– **Adoption of the General EU position**

The outcome of the deliberations at the Committee is contained in document 17838/13 ELARG 174.

108. Preparation of the Council meeting (Foreign Affairs/Development) on 12 December 2013

a) Towards a post-2015 overarching framework

The Committee was informed by the EEAS on the update of the discussions in this field. It adopted the draft Council conclusions on financing poverty eradication and sustainable development as an "I" item.

b) Implementing the Agenda for Change

The Committee took note of the EEAS presentation of the agenda item as foreseen.

c) Policy Coherence for Development (PCD)
– **Draft Council conclusions on the EU 2013 Report**
17168/13 DEVGEN 306 POLGEN 250 RELEX 1098 ACP 187
WTO 324 ENV 1155 PESC 1455 AGRI 805 PECHE 587 SOC 1004
ASIM 105 RECH 582 TELECOM 334 TRANS 641 ENER 557

The Committee took note of the brief presentation of the agenda item and of the draft Council conclusions on Policy Coherence for Development.

d) Regional issues

EEAS briefly presented the agenda item and clarified that the discussion of regional issues would focus on Great Lakes region and the DRC.

e) Other items in connection with the Council meeting

EEAS briefly presented the agenda item and clarified that the lunch discussion would address the task-forces in Tunisia, Myanmar, Egypt and Jordan and the humanitarian situation in Syria.

114. Proposal for a Regulation of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (First reading)

- **Preparation of future negotiations with the EP**
17434/13 FRONT 209 CODEC 2856 COMIX 687

The outcome of proceedings is set out in 17881/13.

The Greek delegation made the following statement:

"Greece can accept the compromise proposal of the Presidency, but maintains its concerns as regards the legal basis of the proposal. Search and Rescue is an exclusive competence of Member States and Greece does not wish these exact provisions to constitute any legal precedent for the European Commission to be considered as assuming any kind of competence on Search and Rescue."

115. 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)

- **Preparation of future negotiations with the EP**
17492/13 VISA 275 CODEC 2881 COMIX 689

The outcome of proceedings is set out in 17915/13.

116. Preparation of the Council meeting (Foreign Affairs) on 16 December 2013

a) Eastern Partnership

The Committee took note of preparations for the Council discussion on the Eastern Partnership. A number of delegations stressed the need for the EU to show its clear commitment to the Eastern Partnership in the face of Russian pressure.

b) Russia

The Committee took note of preparations for the Council discussion on Russia, in preparation of the FAC lunch planned with Foreign Minister Lavrov. A number of delegations underlined the importance of passing clear and united messages in this regard.

c) Syria

The Committee took note of the preparations for the Council discussion on Syria with a focus on the latest political developments, including the upcoming "Geneva II" Peace Conference and the EU assistance to the UN-OPCW Joint Mission for the destruction of the Syrian chemical arsenal.

d) Lebanon

- **Draft Council conclusions**
17734/13 COMAG 131 CONUN 151 PESC 1529

The Committee examined the draft Council conclusions on Lebanon on the basis of document 17734/13 and agreed to forward them to Council for adoption.

e) Central African Republic

- **Draft Council conclusions**
17192/13 COAFR 359 COHAFA 132 PESC 1458 COHOM 269 ACP 189

The Committee endorsed the draft Council conclusions set out in 17192/13 and forwarded them to Council for adoption.

f) Myanmar/Burma

– **Draft Council conclusions**

17260/13 COASI 175 ASIE 53 COPS 508 RELEX 1110 PESC 1466
DEVGEN 312 COHOM 273 WTO 327

The Committee approved the draft Council conclusions on Myanmar/Burma set out in 17260/13 and forwarded them to Council for adoption.

g) Middle East Peace Process

– **Draft Council conclusions**

17733/13 COMEP 42 PESC 1528

The Committee examined the draft Council conclusions on the Middle East Peace Process on the basis of document 17733/13 and agreed to forward them to Council for adoption.

h) Western Balkans

The Committee took note of preparations for the Council discussion on the Western Balkans.

i) Other items in connection with the Council meeting

No items were raised under this heading.

j) Iranian nuclear issues

– **Draft Council conclusions**

17774/13 COMEM 292 CONOP 154

The Committee examined the draft Council conclusions on the Iranian nuclear issues on the basis of document 17774/13 and agreed to forward them to Council for further discussion and possible adoption.

117. Presentation of the agenda of the Council meeting (Foreign Affairs) on 20 January 2014

The Committee received a presentation of the provisional agenda of the January Foreign Affairs Council. Possible items could include: Southern Neighbourhood (Tunisia, possibly Syria and/or Egypt); MEPP (possible); Iran; Afghanistan; Russia.

118. High Level Group on Own Resources

The Presidency informed the Committee about the results of its informal consultations with delegations and with the European Parliament.

119. Presentation of the agenda of the Council meeting (General Affairs) on 21 January 2014

The Presidency presented the agenda for the meeting of the General Affairs Council on 21 January 2014.

– Any other business

= **EU-TU Readmission agreement**

The Commission updated delegations on the latest developments regarding the signing of the EU-Turkey readmission agreement and the visa liberalisation dialogue with Turkey.
