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THE EUROPEAN UNION**

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17972/13

CRS/CRP 45

SUMMARY RECORD

Subject: 2479th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 18 and 20 December 2013

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II

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

doc. 17858/1/13 REV 1 OJ/CRP1 45

17969/1/13 REV 1 OJ/CRP2 45 COMIX 707

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

The following item is **added** :

(Coreper Part 1, under II)

55. (poss.) 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)

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

17991/13 ENV 1220 CODEC 3027

The following items are **withdrawn** :

(Coreper Part 1, under II)

22. (poss.) Proposal for a Decision of the European Parliament and of the Council establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (First reading) (Legislative deliberation)

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

(Coreper Part 1 under 'Any other business')

a) Proposal for a Council Regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the European Union and the correction coefficients applied thereto

b) Proposal for a Council Regulation adjusting with effect from 1 July 2012 the remuneration and pensions of the officials and other servants of the European Union and the correction coefficients applied thereto

- = **Information from the Commission**

(Coreper Part 2, under II)

52. (poss.) Central Security Depositories (First reading)

- **Proposal for a Regulation of the European Parliament and of the Council on improving securities settlement in the European Union and on central securities depositories (CSDs) and amending Directive 98/26/EC**

- **Political agreement**

The following CRP1 agenda item is **transferred** from Part I to Part II :

- 32. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community (First reading) (Legislative deliberation)**
- **Approval of the final compromise text**
17947/13 STATIS 139 SOC 1051 ECOFIN 1171 CODEC 3004

The following CRP2 agenda item is **transferred** from Part I to Part II :

- 43. Bank Recovery and Resolution (First reading)**
- **Proposal for a Directive establishing a framework for the recovery and resolution of credit institutions and investment firms (BRRD)**
= **Approval of the final compromise text**
17957/13 EF 275 ECOFIN 1173 DRS 226 CODEC 3010
+ COR 1
17958/13 EF 276 ECOFIN 1174 DRS 227 CODEC 3011

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

Statements are made on the following item :

42. Proposal for a Directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (First reading)

– **General approach**

17749/13 EF 270 ECOFIN 1157 CONSOM 223 CODEC 2965

AT statement :

"Austria welcomes the proposal of the European Commission for a Directive on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features.

The Lithuanian Presidency's constructive and successful efforts to reach a General Approach on the Payment Account Directive are highly appreciated. Austria explicitly welcomes in this context the consideration of Austrian key points in the current compromise text and can therefore agree to the General Approach.

Nevertheless Austria still identifies leeways for further improvements during the trilogue negotiations and hopes that some further important matters of concern of the credit industry and the consumer side will be considered during the trilogue-negotiations."

* * * * *

DE statement :

"Germany welcomes the proposal of the European Commission for a Directive on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features and would also like to thank the Lithuanian Presidency for their constructive and successful efforts to reach a General Approach on this Directive. However, like Austria, we still see remaining imperfections regarding several provisions of PAD. In this context we refer to all our comments given so far and hope for an appropriate consideration in the forthcoming trilogue-negotiations."

* * * * *

Joint **CZ/CY** statement :

"The Czech Republic and Cyprus express strong concerns about the inclusion of comparison websites in the proposal. This element of the proposal represents a significant intervention in a market that is currently unregulated and that seems to work efficiently. Moreover, the obligation of the Member States to ensure the operation of comparison websites through public authorities is likely to expose the Member States to unnecessary public expenses and legal risks.

For the reasons mentioned above and discussed during the Council negotiations we do not consider current text of Article 7 as final. We regard further work on Article 7 is needed during the trilogues to eliminate unnecessary market intervention and risks of financial and legal nature."

* * * * *

UK statement :

"The UK, like other Member States, already has in place effective arrangements that provide consumers with access to payment accounts with basic features. The UK also has in place an effective current account switching service which goes beyond the requirements of this Directive. The UK is of the view that the Directive should give Member States the flexibility to maintain any such existing arrangements to meet the relevant requirements of the Directive, irrespective of whether those arrangements are prescribed in national law or established on another basis.

The UK also continues to have significant concerns about the inclusion of comparison websites in this Directive. The proposal represents a significant intervention in a market that is currently unregulated and where there is limited evidence of consumer detriment. Moreover, comparison websites were not included in the Single Market Act II. We consider that further work is needed on Article 7 during trilogues."

Coreper Part 1

II

18. 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)

- Presidency debriefing on the outcome of the informal trilogue
- Analysis of the final compromise text with a view to agreement
17938/13 SOC 1049 MI 1175 EDUC 469 ECOFIN 1170 JEUN 125
JAI 1152 ETS 54 CODEC 2998

The Committee approved the final compromise text as set out in the Annex to document 17938/1/13 REV1 and authorised the Chair to send to the Chair of EMPL Committee a letter containing the agreed text.

UK was not in the position to support the final compromise text. FR confirmed that it maintained a parliamentary scrutiny reservation.

19. 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)

- Presidency debriefing on the outcome of the informal trilogue
- Analysis of the final compromise text with a view to agreement
17727/13 SAN 521 MI 1160 CODEC 2954 COMPET 923 FISC 262

The Presidency debriefed the Committee on the outcome of the trilogue that took place on 16 December 2013.

The Committee agreed to the text as set out in the Annex to document 17727/13. The agreement will be confirmed to the EP by a letter of the Committee Chair addressed to the Chair of the EP ENVI Committee.

20. 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)

- Presidency debriefing on the outcome of the informal trilogue
- Analysis of the final compromise text with a view to agreement
17863/13 PHARM 78 SAN 528 MI 1168 COMPET 928 CODEC 2977
17865/13 PHARM 79 SAN 529 MI 1169 COMPET 929 CODEC 2978

The Committee was debriefed on the outcome of the fourth informal trilogue which took place in Strasbourg on 12 December 2013.

Following an exchange of views, the Committee agreed to the compromise package set out in 17865/13 + COR 1 with a change to Article 78(3a) , in DS 2089/13 and mandated the President to inform the European Parliament accordingly.

In response to questions from some delegations, the Chair also concluded that technical adjustments to the text to ensure its coherence would be made as part of the legal - linguistic finalisation.

- 21. 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 outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**

The Presidency informed delegations that an agreement was reached with the European Parliament on this dossier on 17 December 2013. The Committee supported fully the compromise proposal (doc. 17980/13) reached with the European Parliament which will be informed in writing in January 2014 accordingly.

- 23. Proposal for a Directive of the European Parliament and of the Council on marine equipment and repealing Directive 96/98/EC (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the outcome of the informal trilogue of 11 December 2013.

- 24. Proposal for a Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the outcome of the informal trilogue of 17 December 2013.

25. 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 2nd trilogue which took place on 16 December 2013. At the trilogue, articles 1-19 [general provisions, electronic identification, trust services] were discussed with a focus on 4 issues: scope of electronic identification provisions, international aspects, liability and the EU trust mark. A series of technical meetings will take place ahead of the 3rd trilogue, tentatively scheduled on 28 January 2014, which the Committee will prepare on 24 January 2014.

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

- **Preparation for the informal trilogue**
17937/13 MI 1174 ECO 222 ENT 350 IND 375 TELECOM 353 CODEC 2997
- **Presidency debriefing on the outcome of the informal trilogue**
- **(poss.) Analysis of the final compromise text with a view to agreement**

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

Given that the European Parliament has fully agreed to the structure of the Council text as set out in 17937/13 and that all outstanding detail questions have been considered as of a technical nature only, the European Parliament did not ask for further trilogue meetings.

27. 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**
 - **Analysis of the final compromise text with a view to agreement**
17705/13 TRANS 671 CODEC 2949
+ ADD 1 - ADD 5

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.

28. Proposal for a Regulation of the European Parliament and of the Council simplifying the transfer of motor vehicles registered in another Member State within the Single Market (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
17680/13 ENT 343 MI 1156 CODEC 2936

Presidency sought a confirmation on changing the legal form into a Directive and a mandate to proceed to trilogues leaving out the controversial provisions of Art. 3. This article provides that a Member State may only require the registration on its territory of a vehicle registered in another Member State if the holder of a registration certificate has his normal residence on its territory. A number of delegations called for deleting the whole Art. 3, others defended it. Presidency concluded that the mandate was approved except for Art. 3 which will be further worked on. EL warned that a deal has to be reached by early February to have the dossier finalised during this EP term.

29. 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)

- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**
17628/13 DRS 222 CODEC 2921

The Committee confirmed the final compromise as set out in 17628/1/13 REV 1 and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt the text of the proposals in the exact form as set out in the Annexes at a forthcoming plenary meeting, the Council would adopt the proposed Directive and Regulation as amended.

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**
- **Preparation for the informal trilogue**
17153/1/13 PECHE 585 CODEC 2798 CADREFIN 338 FC 94 REV 1

The Committee discussed a proposal for a revised mandate as set out in 17153/1/13.

The Presidency concluded that there was sufficient support for the proposed mandate, except as regards the engine replacement in Article 39 and delegated acts in Articles 103 and 106.

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

The Presidency informed the Committee that negotiations had progressed satisfactorily, but had been suspended due to the fact that the Commission could not agree to an agreement reached by the Council and the European Parliament on budget allocations which would lead to more funding for controls and data collection but would entail a significant cut in the funding of IMP under direct management.

The Commission expressed disappointment over the outcome and would continue to support the negotiation process as of January. It attached much importance to avoiding a second reading agreement. It took the view that increased funding for controls and data collection cannot come solely from direct management. It did not think that the European Parliament was ready to concede on engine power reductions yet.

The French and Spanish delegations confirmed their support for the in-coming Presidency and agreed that a second reading agreement should be avoided.

- 31. 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**
 - **Analysis of the final compromise text with a view to agreement**
17932/13 ENV 1213 ENT 349 MI 1173 CODEC 2995

The Committee approved the overall compromise text as set out in 17932/13. The Committee agreed that the relevant letter was signed by the Chair of the Committee and sent to the European Parliament.

- 32. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community (First reading) (Legislative deliberation)**
- **Approval of the final compromise text**
17947/13 STATIS 139 SOC 1051 ECOFIN 1171 CODEC 3004

The Committee did not approve the final compromise text as set out in the Annex to document 17947/13. The future Greek Presidency will decide on how to proceed on the file, taking into account also that only one point remains open in the discussions between the Council and the European Parliament. Several delegations considered that the involvement of the Working Party is necessary in order to solve this issue.

33. 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)

- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**
17722/13 ESPACE 110 CODEC 2953 COMPET 922 RECH 602 IND 373
TRANS 672 MI 1159 ENER 582 ENV 1201 COSDP 1137 CSC 187
TELECOM 350

The Committee was informed on the outcome of the second informal trilogue with the European Parliament on the Proposal for a Regulation of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010.

The Committee endorsed the compromise as set out in 17722/13, with a last amendment to Article 6ter(3) and after having reached an agreement as well on a draft Declaration of the Commission on the issue of the contracting authority in Copernicus, to be made at the moment of adoption. Only DE expressed its disagreement.

The Committee mandated the Presidency to inform the European Parliament of its endorsement.

55. 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)

- **Analysis of the final compromise text with a view to agreement**
17991/13 ENV 1220 CODEC 3027

The Chair reported to the Committee the results of the last trilogue on the file held on 18 December 2013 where an agreement ad referendum was reached with the European Parliament. The Committee approved the overall compromise text as set out in 17991/13, while FR announced its intention to abstain and UK reserved its final position. The Committee agreed that the relevant letter was signed by the Chair of the Committee and sent to the European Parliament.

Coreper Part 2

II

41. Single Resolution Mechanism

- **Proposal for a Regulation of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council (First reading)**
 - = **General approach**
 - 17742/13 EF 268 ECOFIN 1155 CODEC 2962
 - 17743/13 EF 269 ECOFIN 1156 CODEC 2963

On 18 December 2013, the Committee took note of the proposed compromise solutions set out in the above-mentioned documents, brought to the attention of the Council.

43. Bank Recovery and Resolution (First reading)

- **Proposal for a Directive establishing a framework for the recovery and resolution of credit institutions and investment firms (BRRD)**
 - = **Approval of the final compromise text**
 - 17957/13 EF 275 ECOFIN 1173 DRS 226 CODEC 3010
 - + COR 1
 - 17958/13 EF 276 ECOFIN 1174 DRS 227 CODEC 3011

The Committee agreed to mandate the Presidency to indicate to the European Parliament that, should the European Parliament adopt its position at first reading in the exact form as set out in 17958/13, the Council would approve the European Parliament's position subject, if necessary, to legal linguists' finalisation.

In addition, the Committee took note of the following statements to the Committee minutes:

Declaration by Austria, Germany and Finland

"Germany, Austria and Finland recognize the major importance of the BRRD in the general framework of the EU financial markets regulation and welcome its rapid conclusion. The BRRD introduces for the first time harmonized rules for the resolution of financial institutions in every Member State protecting tax payers and ensuring a contribution of shareholders and creditors to the loss absorption and recapitalization of institutions under resolution. It provides authorities with a credible set of tools to intervene sufficiently early and quickly in unsound or failing institutions. Against this background we accept the compromise package.

I. However, we emphasize our understanding that the bail-in rule is under all circumstances fully respected and in any case a contribution of shareholders and creditors to the maximum extent possible is ensured.

II. Furthermore, with a view to the provisions on Government Stabilisation Tools provided for in Articles 50a-50d of the BRRD these tools may be applied only as last resort in very extraordinary situations, under two conditions:

- a. Only if shareholders and creditors have contributed to loss absorption and recapitalization at least 8% of total liabilities including own funds of the respective institution; and
- b. a prior assessment and approval of the existence of a very extraordinary situation by the Commission.

III. Germany, Austria and Finland emphasize their understanding that the Government Stabilisation Tools are not introduced for the SRF. Furthermore, the Government Stabilisation Tools will not impact on intergovernmental or supranational arrangements. Any financial consequences of the decision to deviate from the general rule of bail-in and to use Government Stabilisation Tools shall be born by the respective Member State. In particular the very exceptional use of Government Stabilisation Tools can not be directly financed by intergovernmental or supranational financial support mechanisms."

Declaration by Bulgaria

"Bulgaria will not object to the approval of the BRRD compromise text. Nevertheless Bulgaria points out its remaining concerns: the date of entry into force of the bail-in tool and the insufficient flexibility at a national level about the use of private money accumulated in the national resolution fund.

First, Bulgaria is concerned about the advancement of the date of the bail-in tool two years earlier than the date agreed in the Council (ECOFIN) general approach on 27 June 2013. Since the funding structure of the banking system in Bulgaria, beyond the equity capital, consists almost entirely of core deposits, the possibility of imposing hair-cuts on large deposits, irrespective of the depositor type, has the potential to create risks for financial stability. Therefore, a later entry into force of the bail-in tool is needed in order both to allow banks to adjust their liabilities structure, as appropriate, and to have more time to accumulate private funds in the national resolution fund.

Furthermore, as the countries outside the euro area cannot rely on the backstop available in the euro area (the ESM), imposing uniform early obligation for the bail-in of large depositors in both euro area and non-euro area countries creates unequal treatment and distorts the fair competition among Member States. That ultimately risks a further fragmentation of the Internal market in financial services in the EU.

Second, Bulgaria is concerned about the lack of sufficient flexibility allowing exclusion of certain groups of creditors upon discretion of the national resolution authority when there are financial stability concerns. Within that context, Bulgaria does not support the dedicated right of the Commission to prohibit or require amendments to bail-in tool exclusions as intended to be applied, in full compliance with European law, by a national resolution authority."

Declaration by Sweden

"Sweden supports the Banking Recovery and Resolution Directive. However, Sweden would like to make a declaration with regards to the possible non-compatibility of the Swedish constitution with the provisions in Articles 3.3 and 76.1a obliging resolution authorities to adopt internal rules on secrecy."

Declaration by the UK

"The UK strongly supports the Directive on Recovery and Resolution which, when implemented, should strengthen financial stability and protect taxpayers across the European Union.

The UK reserves its position on the lawfulness of the carve-out of variable remuneration regulated by a collective bargaining agreement from the scope of the bail-in tool and the compatibility of specific provisions with the restriction set out in Article 114(2) TFEU pending the judgment of the Court of Justice of the European Union in C-507/13.

The UK notes it is essential that the text of the proposed Regulation establishing the Single Resolution Mechanism is fully aligned with this Directive in order to protect the functioning of the internal market."

These declarations were subsequently set out together in 17957/13 ADD1.

45. 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 (Moldova)

- **Preparation of future negotiations with the European Parliament**

The Committee agreed on a general approach based on the text of the proposal by the Commission as set out in 17268/13 with a view to negotiations with the European Parliament. Moldova was planning for the introduction of so-called "fourth generation passports" (where the chip with biometrics is not attached to the passport but is part of the passport as such) with a view to starting the issuance of such passports by mid 2015. The Commission, while underlining that the introduction by Moldova of such passports does not form part of the benchmarks in the visa liberalisation process with Moldova, undertook to make a declaration providing for the monitoring of the introduction of such passports in the framework of the monitoring of the continued implementation by Moldova of the benchmarks.

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

- **Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on 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**
17939/13 JAI 1153 ENFOPOL 419 ASIM 115 PROCIV 153
CADREFIN 377 CODEC 2999 COMIX 711

The Committee approved the final compromise text as set out in 17939/13 with a view to a first reading agreement with the European Parliament.

47. **Multiannual Financial Framework 2014-2020 (Home Affairs)**
- **Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (First reading)**
 - **Approval of the final compromise text with a view to a first reading agreement with the European Parliament**
17959/13 JAI 1156 ASIM 116 MIGR 145 ASILE 53
CADREFIN 380 CODEC 3012

The Committee approved the final compromise text as set out in 17959/13 with a view to a first reading agreement with the European Parliament. The Committee agreed the following declaration on the Article 80 TFEU:

"The Council underlines the importance of the principle of solidarity and fair sharing of responsibility which, in accordance with Article 80 TFEU, is to be given effect in Union acts adopted pursuant to the Chapter of the TFEU on policies on border checks, asylum and immigration. The Regulation establishing the Asylum and Migration Fund contains appropriate measures to give effect to the above principle. However, the Council reiterates its view that Article 80 TFEU does not constitute a legal basis within the meaning of EU law. Within the said Chapter, only Article 77(2) and (3), Article 78(2) and (3) and Article 79(2), (3) and (4) TFEU contain legal bases enabling the relevant EU institutions to adopt EU legal acts."

The Commission said it would also made a declaration on the same subject.

Bulgaria made the following declaration:

"Acknowledging the sense of urgency and the importance of the timely adoption of the new financial instruments in the field of Home Affairs, Bulgaria will not object and could support the proposed compromise text for the Asylum and Migration fund.

However for the minutes of the Coreper meeting we would like to underline the fact that Bulgaria is amongst the Member States that are the most affected from the recently increased refugee and migratory pressure and at the same time will receive one of the smallest national allocations under this fund.

Therefore we strongly regret that our request for the increase of the national allocation has not been taken into account by the Council and expect that a fair and objective solution that would help Bulgaria to cope with this situation will be found in the near future."

48. Proposal for a Directive of the European Parliament and of the Council on insider dealing and market manipulation (market abuse) (First reading)

- Approval of the final compromise text

17895/13 DROIPEN 166 EF 272 ECOFIN 1163 CODEC 2985

The Committee agreed that the proposal for a Directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation would be submitted to the Council for adoption and took note of the concerns of two delegations about the level of minimum maximum sanctions and the deletion of the definition of 'legal person'.

BG and LU made the following statements:

"While accepting the Presidency compromise text for the Directive on Criminal Sanctions for Insider Dealing and Market Manipulation, Bulgaria retains strong concerns with the threshold of 4 years for the minimum maximum penalties for the crimes linked with the unclear criterion "serious cases". This approach may lead to different interpretation when transposing the Directive nationally. The relevant recitals do not remedy the situation as they are just examples of the possible economic result of the crime which may vary in different MS. The close follow up is necessary on how this all will apply in practice."

* * *

"Le Luxembourg prend note du fait que la directive ne liera pas tous les EM de l'Union en application des protocoles 21 et 22. Cette situation risque d'être en contradiction avec la nécessité «d'assurer la mise en œuvre efficace d'une politique de l'Union dans un domaine ayant fait l'objet de mesures d'harmonisation» telle qu'exigée par la base juridique de l'article 83 paragraphe 2 TFUE. Dans ce contexte, le Luxembourg rappelle les dispositions mentionnées à la déclaration 26 au Traité de Lisbonne."

49. Follow-up to the Council meeting (Foreign Affairs/Development) on 12 December 2013

The Committee took note of the follow-up note circulated by the EEAS.

The EEAS noted the request to include the Eastern Partnership and development cooperation as a discussion item on the agenda of the next FAC (Development).

50. Follow-up to the Council meeting (Foreign Affairs) on 16 December 2013

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

51. Follow-up to the Council meeting (Economic and Financial Affairs) on 18 December 2013

On 20 December, the Committee took note of the Council general approach agreed on 18 December 2013, as set out in 18070/13 EF 278 ECOFIN 1183 CODEC 3060 and of the following statements to the minutes of the Committee:

- four statements by the Commission;
- a statement by PT;
- a statement by the UK.

The Committee also took note that:

- a) representatives of the euro area Member States meeting within the Council of the European Union agreed a decision and terms of reference concerning the intergovernmental agreement on the single resolution fund, as set out in 18134/13 EF 280 ECOFIN 1185 , and
- b) the following texts have also been agreed, as set out in 18137/13 EF 281 ECOFIN 1186:
 - Statement of Eurogroup and ECOFIN Ministers on the SRM backstop;
 - Declaration of the representatives of the 28 Member States meeting within the Council;
 - Specific Council conclusions relating to the abovementioned declaration.

With regard to the intergovernmental conference (IGC), the Committee took note of the following:

- the Secretary General of the Council sent a letter to Ambassadors on 20 December 2013 setting out the modalities for the IGC;
- the Conference will be presided by the president of the Eurogroup Working Group, Mr Thomas Wieser;
- the conference is supposed to conclude its work by 1 March 2014;
- the outcome will be discussed in a special meeting on 10 March 2014 of ministers of the participating Members States and Members that are considering participating;
- the first meeting of the IGC is scheduled for 9 January 2014.

Statements by the European Commission
on
Single Resolution Mechanism

"Whilst welcoming that the Council has reached a General Approach on this very important file, the Commission would have preferred a solution fully based on EU law rather than addressing certain aspects in an Intergovernmental Treaty. The Commission maintains its view that Article 114 TFEU is the correct legal basis for establishing all aspects of the Single Resolution Mechanism and the Single Resolution Fund."

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"The Commission regrets the drafting agreed on Article 16 of the Regulation on the Single Resolution Mechanism which reduces the discretion of the Council to an extent which is not compatible with the Meroni case law."

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"The Commission regrets the wording of Article 88 of the Regulation on the Single Resolution Mechanism which makes the application of a Union law regulation dependent on conditions laid down in an international treaty."

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"The Commission opposes the agreed wording on Article 16a paragraph 1, third and fourth subparagraphs of the Regulation on the Single Resolution Mechanism which impinges on the Commission's right to organise itself internally which is guaranteed by Article 17 of the Treaty on the European Union."

Statement by Portugal

"The European Council has repeatedly stated the urgent need for a Banking Union that is able to help breaking the vicious link between the bank and the sovereign risk and combatting the persistent fragmentation of the financial markets within the Euro Area.

While acknowledging the difficulties arising from the need to conciliate different positions among Member States and the efforts deployed by the Lithuanian Presidency to that effect, Portugal remains to be convinced that the general approach on a Single Resolution Mechanism reached by the Council on 18 December 2013 responds adequately to both objectives.

Portugal will work in a constructive way to ensure that the negotiations that will follow with the European Parliament will allow for a result that is assessed by all those involved, including European citizens, Member States, European Institutions, businesses and financial markets as an efficient, credible and truly single mechanism that makes sure Europe in general and the Euro Area in particular are well equipped to deal with the challenges of the present and with any possible future financial crisis."

Statement by the UK

"Noting the general approach reached at the ECOFIN Council on 18th December 2013, the UK supports the establishment of the Banking Union for the eurozone and the broad agreement that was reached. The UK reserves its position on certain legal issues relating to the Single Resolution Mechanism, pending the judgment of the Court of Justice of the European Union in Case 270/12."

53. Deposit Guarantee Schemes (Second reading)

- **Proposal for a Directive of the European Parliament and of the Council on Deposit Guarantee Schemes (recast)**
 - **Political agreement**

The Committee endorsed the provisional political agreement as set out in the meeting document circulated to delegations on 19 December 2013 as a result of the trilogue of 17 December 2013.

54. Follow-up to the Council meeting (General Affairs) on 17 December 2013

The Committee took note of the main issues of the General Affairs Council on 17 December 2013, namely the conclusions on Enlargement and the Stabilisation process and the conclusions on the EEAS review. The Council was also debriefed on the informal ministerial meeting on Cohesion Policy in Vilnius. Under AOB, UK raised the issue of the "yellow card" on the Commission's proposal on European Public Prosecutor's Office (EPPO).

– Any other business

- **Representation of the EU and its Member States during the 148th session of the FAO Council**
 - = **Joint statement submitted by Bulgaria, Germany, Spain, France, Cyprus, Latvia, Luxembourg, Hungary, Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, United Kingdom**
 - **Requested by the French delegation**
17679/1/13 AGRI 843 FAO 53 REV 1
+ COR 1

The Committee has taken note of the French delegation's intervention on the Joint statement of 18 Member States on the representation of the EU and its Member States during the 148th session of the FAO Council and of the answer given by the Commission agreeing with the content of such statement.
