



**COUNCIL OF
THE EUROPEAN UNION**

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6865/14

CRS/CRP 7

SUMMARY RECORD

Subject: 2486th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 19, 20 and 21 February 2014

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

doc. 6556/14 OJ/CRP1 7

6569/2/14 REV 2 OJ/CRP2 7

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

The following items are **added** :

(Coreper Part 2, under I)

53. Preparation of the 201st session of the ICAO Council (Montreal, 24.2.2014)

– **European Union coordination of a common position**

6729/14 AVIATION 51 RELEX 148 ENV 163

(Coreper Part 2, under II)

56. High Level Group on Own Resources (restricted session)

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

LV made a statement on the following item :

9. Proposal for a Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market (First reading) (Legislative deliberation + Statement)

– **Adoption of the legislative act**

PE-CONS 115/13 PI 164 AUDIO 113 CULT 120 CODEC 2566

6434/14 CODEC 398 PI 19 AUDIO 6 CULT 19

+ ADD 1

+ COR 1 (de)

"The Republic of Latvia draws attention that the legal term '*veikt uzņēmējdarbību*' used in the Latvian language version of the Directive with respect to the place of establishment of Collective Rights Management Organizations means 'to carry out entrepreneurship/business activity' and consequently is substantially different from the legal meaning of the term '*to be established*' used in the English and other language versions of the Directive. The Republic of Latvia notes that inconsistent or incorrect usage of legal terminology of such substantive importance leads to legal ambiguity and therefore creates the risk of disrupting legal parallelism amongst the language versions of the Directive. The Republic of Latvia notes that the term '*to be established*' in analogous context appears in Article 49 of the Treaty on the Functioning of the European Union, where it is being translated into Latvian as '*izveidot*'. The latter term '*izveidot*' more precisely describes the act of being established covered by the Directive.

The Republic of Latvia intends to initiate the corrigendum procedure regarding the Directive in order to ensure consistent and correct use of terminology."

PT, subscribed by ES, made a statement on the following item :

- 31. Revised rules for markets in financial instruments (MiFID/MiFIR) (First reading)**
- **Proposal for a Directive of the European Parliament and of the Council on markets in financial instruments repealing Directive 2004/39/EC of the European Parliament and of the Council (Recast) (MiFID)**
 - **Proposal for a Regulation of the European Parliament and of the Council on markets in financial instruments and amending Regulation [EMIR] on OTC derivatives, central counterparties and trade repositories (MiFIR)**
 - = **Approval of the final compromise text**
6406/14 EF 51 ECOFIN 136 CODEC 383
 - + ADD 1
 - + ADD 1 COR 1
 - + ADD 2
 - + ADD 3 REV 1

"Portugal welcomes the agreement on the revised rules for markets in financial instruments (MiFID/MiFIR), in particular the ambitious sanctions regime foreseen therein. Portugal also commends the efforts of the Hellenic Presidency in trying to achieve a balanced solution to address concerns in this regard.

Portugal notes that the sanctions regime is highly sensitive. Member States operate under very different legal and institutional frameworks and these national frameworks need to remain coherent as harmonisation of the sanctions regime is pursued at European level. The difficulties of these discussions are well known and most Member States specificities have been addressed, in particular when they are grounded on constitutional concerns.

Portugal will strive to implement the permanent ban on the exercise of management functions in investment firms in conformity with national law."

* * * * *

FR made the following statement on the same item:

"Transparency on non-equity financial markets (Article 8 MiFiR)

France regrets that the ambitious proposals made by the European Commission to achieve fully transparent non-equity financial markets, in particular for derivatives, have not been endorsed by the co-legislators.

France will support a review on this matter in the near future against the objective of achieving effective and fair price formation on financial markets and legislative proposals if appropriate.

Commodities

ESMA will have to define a methodology of calculation that will be applied by the national competent authorities. France will pay great attention that the mechanism will ensure a good level playing field and an effective application to all commodity derivatives markets.

Regarding the Annex C of MIFID listing the financial instruments, France regrets the exclusion of the scope of the financial instruments of some categories of commodity derivatives contracts traded on OTF and that must be physically settled. France will pay great attention to the precise confinement of this category through the delegated act provided in the recital (8b) of MIFID.

Sanctions

The generalization of the use of administrative sanctions is key to strengthen investor protection and market integrity and to deepen the EU-Single Market.

France then deeply regrets that it was not possible to harmonize administrative sanctions in MIFID and makes clear that, with respect to sanctions, MIFID should not be seen as a precedent whatsoever."

* * * * *

SE made the following statement on the same item :

"Access data traffic records held by providers of public electronic communications networks by public authorities amounts to a serious interference with the right to respect of private and family life and the right to protection of personal data. Issues of privacy and surveillance are highly sensitive topics that need to be dealt with in a consistent manner across all EU policy areas. Such powers should be restricted to investigations of crimes. Sweden is worried that this power is spreading to financial market files which do not deal with such matters.

Sweden assumes that the access does not cover data retained for the purposes of Directive 2006/24/EC (the Data Retention Directive), as this would circumvent the requirement in the Data Retention Directive of retention only for the purposes of investigating, detecting and prosecuting serious crimes.

It should be noted that there are cases pending in the ECJ where the validity of the Data Retention Directive has been questioned (cases C-293/12 and C-594/12). The outcome of those cases may necessitate, in the near future, a reassessment of the powers of competent authorities to require data traffic records held by operators."

Coreper Part 1

II

12. **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)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Preparation for the informal trilogue**

The Presidency informed the Committee on the outcome of the informal trilogue held on 18 February 2014. The Committee agreed on a revised negotiating mandate for the forthcoming trilogue.

13. **Setting of the provisional agenda for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 10 March 2014**

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 7100/14.

14. **Innovation investment package (First reading) (Legislative deliberation)**

- a) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a European Metrology Programme for Innovation and Research jointly undertaken by several Member States**
- b) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a Research and Development Programme jointly undertaken by several Member States aimed at supporting research performing small and medium-sized enterprises**
- c) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a second European and Developing Countries Clinical Trials Partnership Programme jointly undertaken by several Member States**
- d) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in the Active and Assisted Living Research and Development Programme jointly undertaken by several Member States**
 - **Preparation for the informal trilogue**
6428/14 RECH 70 COMPET 105 IND 55 MI 160 TELECOM 44 SOC 112
SAN 71 CODEC 395
+ ADD 1-5

The Committee gave the Presidency the mandate for the second trilogue on the basis of the document 6428/14 + ADD 1-5.

15. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 4 March 2014

1. Communication from the Commission on "Energy prices and costs in Europe" (*Non-legislative activity*)

– **Policy debate**

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

5599/14 ENER 23 COMPET 37 CONSOM 19 FISC 7

+ REV 1 (en)

6074/14 ENER 43 COMPET 75 CONSOM 37 FISC 19

The Committee agreed that a policy debate could take place on the basis of the questions set out in 6074/14.

2. Communication from the Commission on "A policy framework for climate and energy in the period from 2020 to 2030" (*Non-legislative activity*)

– **Policy debate**

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

5644/14 CLIMA 6 ENV 60 ENER 27 IND 24 COMPET 43 MI 69 ECOFIN 65

TRANS 31 AGRI 35

+ REV 1 (en)

+ REV 2 (pl)

6069/14 ENER 41 CLIMA 10 ENV 99 IND 45 COMPET 74 MI 114

ECOFIN 102 TRANS 43 AGRI 72

The Committee agreed that a policy debate could take place on the basis of the questions set out in 6069/14.

16. Proposal for a Directive of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State (Recast) (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 held on 18 February 2014.

17. 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**

6464/14 TELECOM 47 MI 164 DATAPROTECT 27 EJUSTICE 17 CODEC 405

With a view to the 4th trilogue on 25 February 2014 the Committee gave the Presidency a mandate on the basis of document 6464/14 + COR 1, noting the concerns of a few delegations regarding Articles 35 and 36, the nature and scope of electronic registered document services, and the Commission's wish for the date of the implementation of mandatory recognition (Art. 5) to be in 2017. In this respect the Chairman recalled that mid-2018 is the earliest date acceptable while some flexibility can be shown regarding the voluntary implementation of this provision.

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

– **Preparation for the informal trilogue**

6461/14 TELECOM 46 COMPET 109 CODEC 404

With a view to the 2nd trilogue on 24 February 2014 the Committee gave the Presidency a mandate on the basis of document 6461/14 amended as regards Articles 2(7) and (8), 4(7), 5(4), 5a(4), and 7(3), noted concerns regarding the reference to "binding" decisions and stressed that 24 months was the minimum for the transposition period.

19. Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

6493/14 RC 2 JUSTCIV 37 CODEC 412

The Committee gave a revised mandate to the Presidency with the aim of reaching a final compromise at the second trilogue with the European Parliament, on the basis of the compromise set out in 6493/14 with amendments agreed at the meeting, notably to Article 9.

20. Remunerations (First reading) (Legislative deliberation)
(This item will be taken in restricted session)

- a) **Proposal for a Regulation of the European Parliament and of the Council adjusting with effect from 1 July 2011 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto**
- b) **Proposal for a Regulation of the European Parliament and of the Council adjusting with effect from 1 July 2012 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto**
- **Preparation for the informal trilogue**
17622/13 STAT 55 FIN 936 CODEC 2919
17625/13 STAT 56 FIN 937 CODEC 2920

The Committee exchanged views on the compromise proposals made by the European Parliament and the Commission in respect of the 2011 and 2012 annual adjustment of remuneration and pensions of EU officials and confirmed its negotiating mandate adopted on 12 February 2014.

21. 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 companies and groups (First reading) (Legislative deliberation)

- **Analysis of the final compromise text with a view to agreement**
6430/14 DRS 22 COMPET 106 ECOFIN 139 SOC 113 CODEC 396
+ ADD 1

The Committee held a detailed discussion on the compromise text agreed with the European Parliament in trilogue on 11 February 2014 as set out in the Annex of document 6430/14 + COR 1.

The Committee decided to return to this file at its next meeting.

22. Proposal for a Regulation of the European Parliament and of the Council on the fees payable to the European Medicines Agency (EMA) for the conduct of pharmacovigilance activities (First reading) (Legislative deliberation)

- **Analysis of the final compromise text with a view to agreement**
6505/14 PHARM 15 SAN 74 MI 166 COMPET 110 CODEC 420

The Committee agreed to the text as set out in the Annex to the note 6505/14 + COR 1 and mandated the Committee Chair to send a letter to the Chair of the EP ENVI Committee confirming the agreement at first reading.

- 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)**
- **Analysis of the final compromise text with a view to agreement**
17992/12 MAR 149 ENT 319 CODEC 3104
6214/14 MAR 20 ENT 36 CODEC 331

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.

The Commission made the following statement on the 'no-opinion' clause:

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 (4) recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the legislator, but must be interpreted in a restrictive manner and thus must be justified.

While the Commission notes the agreement reached by the European Parliament and the Council on the recourse to this provision it regrets that such justification is not reflected in a recital."

24. Preparation of the Council meeting (Environment) on 3 March 2014

- 1. Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory (First reading) (Legislative deliberation)**
 - **Exchange of views**
12371/10 ENV 499 AGRILEG 100 AGRI 271 MI 254 DENLEG 71
CODEC 714 ADD 1
6528/14 AGRILEG 34 ENV 144 AGRI 107 MI 169 DENLEG 32 CODEC 428

The Committee discussed the opportunity of an exchange of views at the "Environment" Council on 3 March 2014 on the legislative proposal, based on a questionnaire prepared by the Presidency (doc. 6528/14).

Several delegations and the Commission considered appropriate to launch such an exchange of views followed by an examination of the proposal at technical level.

The President concluded that the Committee considered the questionnaire as a good basis for the exchange of views.

2. Greening the European Semester (*Non-legislative activity*)

– **Exchange of views**

15803/13 ECOFIN 984 SOC 904 COMPET 781 EDUC 425 ENV 1025

RECH 509 ENER 502 FISC 214 JAI 1039

+ COR 1

6349/14 ENV 125 ECOFIN 132 SOC 103 COMPET 88 EDUC 46 RECH 60

ENER 51 FISC 26 JAI 76

The Committee took note of the Presidency's paper and questions as set out in 6349/14 and forwarded them to the Council for the debate on 3 March 2014. UK, supported by some delegations, considered that the Presidency paper went beyond the actual European Semester objectives. The Presidency reminded delegations that the paper was meant to stimulate the debate at Council where Ministers would be free to express their views on the subject.

3. Communication from the Commission on "A policy framework for climate and energy in the period from 2020 to 2030" (*Non-legislative activity*)

– **Policy debate**

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

5644/14 CLIMA 6 ENV 60 ENER 27 IND 24 COMPET 43 MI 69 ECOFIN 65

TRANS 31 AGRI 35

+ REV 1 (en)

+ REV 2 (pl)

6422/14 CLIMA 12 ENV 134 ENER 55 IND 54 COMPET 103 MI 159

ECOFIN 138 TRANS 56 AGRI 96

The Committee took note of the two questions prepared by the Presidency, as set out in 6422/14, and agreed to forward them to the Council (Environment) on 3 March 2014 as a basis for the policy debate.

25. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (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 first informal trilogue held on 18 February 2014 and the major elements discussed by the Institutions.

- 26. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the oral information provided by its Chair on the outcome of the first trilogue held on 18 February 2014.

- 27. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
9199/13 PECHE 193 CODEC 982
6453/14 PECHE 70 CODEC 403
+ ADD 1

The Committee granted the Presidency a negotiating mandate as set out in 6453/14 ADD 1.

The Commission representative could accept the approach of the European Parliament and the Council also to implement ICCAT Recommendation 13-08 at this stage.

Coreper Part 2

II

42. Proposal for a Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (First reading)

– Analysis of the draft compromise text with a view to agreement

6415/14 MIGR 19 SOC 111 DRS 21 CODEC 387 WTO 56 SERVICES 15

On 19 February 2014, the Committee examined the Presidency compromise suggestions as reflected in document 6415/14 and DS 1074/14. On the basis of the outcome of this examination, the Presidency engaged in the eighth informal trilogue on 20 February 2014. On 20 February 2014, the Presidency reported back to the Committee on the results of this trilogue and suggested new compromise suggestions contained in DS 1076/14 and 1085/14 in view of further contacts with the European Parliament.

43. Follow-up on the Council meeting (Economic and Financial Affairs) on 18 February 2014

- The Council first adopted conclusions both on the 2014 Annual Growth Survey (on macroeconomic and fiscal guidance) as well as on the 2014 Alert Mechanism Report. The Council will come back to the Macroeconomic Imbalances Procedure after the Commission has published their in-depths reviews on a number of countries.
- Ministers then had an exchange of views on the upcoming G20 Ministerial meeting on 22-23 February 2014 in Sydney and endorsed the Terms of Reference, laid out in the revised room document DS 1062/1/14 REV 1. The Presidency and the Commission will send a debriefing letter to the Council on the outcome of the G20 Ministerial meeting.
- The Council adopted the draft Council recommendation giving a discharge to the Commission in respect of the implementation of the budget for 2012. This will be forwarded to the European Parliament in the framework of the annual discharge procedure.
- The Council also adopted conclusions on the budget guidelines for 2015.
- This was followed by an update by Ms Danièle Nouy, as first Chair of the ECB Supervisory Board, on the progress of the implementation of the Single Supervisory Mechanism (under non-legislative AOB).

- Under legislative AOB, Ministers were updated on the progress on important financial services files, where work is on-going at the level of working parties, the Committee and trilogues.
- The main item was once again the proposal for a Single Resolution Mechanism. Whilst not diverging from the key elements of the Council General Approach, the Presidency will explore with the European Parliament various ideas discussed in the meeting to identify possible options which could lead to an agreement.

44. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 11 March 2014

- The following agenda was proposed: savings taxation; SRM, follow-up to the G20 Finance Ministers and Governors meeting; preparation of the EC-economic elements of the EU energy and climate framework; ex-ante coordination of major economic reforms. On the Monday preceding the ECOFIN: Macroeconomic Dialogue at political level, followed by the Eurogroup meeting, then at 18:00 the ministerial IGA on the SRF (format 1+3 with 28). LUX found the labelling of saving taxation item (adoption) rather ambitious, but they are working in good faith.
- The Committee agreed the provisional agenda for this Council meeting.

45. Relations with the European Parliament (February II 2014)
6045/14 PE 70 INST 79 POLGEN 18 CODEC 290

The Committee held a discussion on relations with the European Parliament on the basis of the document 6045/14.

46. Proposal for a Regulation of the European Parliament and of the Council on the statute and funding of European political parties and European political foundations (First reading)

- **Preparation of informal trilogues with the European Parliament**
6457/14 INST 98 PE 77 FIN 116 CODEC 402

The Committee endorsed the Presidency compromise proposal in annex to the note 6457/14 and mandated the Presidency to negotiate with the European Parliament on this basis.

47. EU-Brazil Summit (Brussels, 24 February 2014)
6543/14 COLAC 4 PESC 153

The Committee held a second debate on the EU-Brazil Summit, on the basis of document 6543/14. The Committee approved the draft agenda and the draft Joint Statement as contained in this document, with a view to further negotiations.

As to the Action Plan drafted by the Ad-Hoc Working Group for Competitiveness and Investment, the Committee tasked the Working Group on Latin America and the Caribbean to deal with it, possibly in conjunction with other Council Working Groups, with a view to its eventual adoption by Council.

49. Preparation of the Council meeting (Justice and Home Affairs) on 3/4 March 2014

- a) **Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (First reading)**
= **State of play / Orientation debate**
6490/14 EPPO 9 EUROJUST 38 CATS 23 FIN 117 COPEN 53 GAF 10

The Committee agreed on the Report on the state of play to be presented to the JHA Council and on the two questions mentioned in 6490/14 in view of an orientation debate.

The Commission asked for the inclusion of a third question to Ministers regarding the regime of rights of suspects and victims involved in the EPPO's proceedings. The Chair invited the Committee to further examine this issue with a view to return to it at its next session.

- b) **Proposal for a Directive of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (First reading)**
= **Approval of the final compromise text**
6485/14 DROIPEN 21 JAI 86 ECOFIN 144 UEM 29 GAF 9 CODEC 411
+ COR 1

The final compromise text was approved without discussion.

- c) **Draft conclusions of the Council and of the Member States on the civil and commercial justice systems of the Member States**
= **Adoption**
6526/14 FREMP 26 JAI 87 JUSTCIV 40

The Committee examined the draft Council conclusions of the Council and of the Member States on the civil and commercial justice systems of the Member States. Two minor drafting changes were made to the text as a result of these discussions. The Committee agreed to submit the conclusions to the Council for adoption.

d) **Other items in connection with the Council meeting**

The Committee was informed about the handling of the following items at the Council:

- Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA (First reading)
- Any other business.

50. Further discussions on the future development of the Justice and Home Affairs area, in particular on Home Affairs

6420/14 JAI 83 JAIEX 11 JUSTCIV 35 CATS 19 DROIPEN 20 COPEN 52
COSI 14 ASIM 10 MIGR 20 VISA 42 FRONT 35 ENFOPOL 30
PROCIV 9 DAPIX 18 CRIMORG 12 EUROJUST 37
GENVAL 11 EJUSTICE 15 ENFOCUSTOM 19 FREMP 25

The Committee held a full round-table on the issues addressed in the Presidency note (doc. 6420/14), expressing the consensus on these matters, diverging views and ideas on future (new) actions to be envisaged. The Commission announced that the Commission Communication on the matter, that had been announced to be issued before the Council in March would not be ready in time. Nevertheless, several MS requested that enough time would be foreseen at the Council so that Ministers could express themselves on these matters. The Presidency assured delegations that a full discussion could take place at the Council.

51. Initiative to complement the Common Understanding on delegated acts as regards the consultation of experts

- **Endorsement**
- **Approval of a letter**

6536/14 JUR 90 INST 101 DELACT 30 PE 80

The Committee endorsed the initiative to complement the Common Understanding on delegated acts as regards the consultation of experts contained in Annex 1 to document 6536/14, and approved a letter by which the text of the initiative would be transmitted to the European Parliament and to the Commission.

52. EU-Singapore FTA and EU-Canada CETA

- **Political aspects linked to the nature of the agreements (mixity)**

6618/14 WTO 69 SERVICES 16 FDI 3

The Committee discussed the nature of the EU-Singapore Free Trade Agreement (FTA) and the EU-Canada Comprehensive Economic and Trade Agreement (CETA). The Commission reiterated its position that the issue of competence should be addressed once the negotiations are finished.

In light of the intervention by delegations and the Council Legal Service (CLS) and recalling the CLS's written opinions (docs. 17144/12 LIMITE, 17036/13 LIMITE and 5734/13 RESTRICTED EU), the Committee recognised there is clear sense of agreement among delegations that the EU-Singapore FTA is of mixed nature and needs to be signed and concluded as such. The same applies, *mutatis mutandis* to the EU-Canada CETA, as it is likely to cover unexercised shared or Member States' competences as well.

In this context, the Committee noted that the Council will not agree to sign and conclude the Singapore FTA agreement and the CETA with Canada as "EU-only" agreements. Therefore, with a view to avoiding unnecessary delays, both in the EU's internal processes and vis-à-vis the partners concerned, the Committee invited the Commission to introduce the necessary modifications in the headings and texts of the respective agreements as soon as possible, so that the negotiated texts reflect the "mixed" nature of the agreements.

54. Preparation of the Council meeting (Foreign Affairs) on 20 February 2014

- **Ukraine**
 - = **Draft Council conclusions**
6737/14 COEST 46

The Committee discussed the draft Council conclusions on Ukraine, as they emerged from the Political and Security Committee on 20 February 2014 (doc. 6737/14), and agreed to submit them unchanged to the consideration of the Council.

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

- **Preparation for the informal trilogue**
6668/14 STATIS 21 ECOFIN 161 CODEC 468

With a view to reaching an early second reading agreement, the Committee agreed by unanimity on the Presidency negotiating mandate as set out in 6668/14 with the deletion of the second sentence in Article 6a paragraph 2 referring to a Commission Decision establishing the recruitment procedure of the General Director of Eurostat. The Commission representative declared that his Institution would be ready to examine the possibility of making a declaration should that request be raised during the forthcoming negotiation with the European Parliament.

56. High Level Group on Own Resources (restricted session)

The Presidency informed the Committee on the latest developments. It received support from the Committee on the handling of the meeting in Strasbourg on 25 February 2014.

- **Any other business (restricted session)**
 - **Switzerland**

The EEAS representative reported on his meeting with the Swiss Chief Negotiator.

- **Any other business**
 - **Case of Italian marines on trial in India**

Italy updated the Committee on recent developments in the case of two Italian marines detained in India since 2012, expressing strong concerns at the latest in a series of postponements of the case by the Indian Supreme Court which was due to resume its considerations on 18 February 2014.