



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 14 March 2014
(OR. en)**

7030/14

CRS/CRP 8

SUMMARY RECORD

Subject: 2487th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 26, 27 and 28 February 2014

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 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons

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

doc. 6873/14 OJ/CRP1 8 + COR 1

6926/1/14 REV 1 OJ/CRP2 8 COMIX 124 + REV 1 COR 1

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

The following items are **withdrawn** :

(Coreper Part 2, under I)

30. Draft minutes of Council meetings

e) **3283rd meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 12 December 2013**

17748/1/13 REV 1 PV/CONS 66 RELEX 1169

+ REV 1 COR 1 (et)

46. (poss.) Council Decision authorising the opening of negotiations on an agreement between the European Union and the Swiss Confederation on an institutional framework governing bilateral relations

6175/14 AELE 10 CH 9 MI 126

6176/14 AELE 11 CH 10 MI 127

RESTREINT UE

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

PT and ES made a statement on the following item :

38. 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 (First reading)

- **Approval of the final compromise text**
6828/14 EF 57 ECOFIN 179 CODEC 527

"Portugal and Spain welcome the agreement on the 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, in particular the ambitious sanctions regime foreseen therein. Portugal and Spain also commend the efforts of the Hellenic Presidency in trying to achieve a balanced solution to address concerns in this regard.

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

* * * * *

FI made also a statement on the above-mentioned item :

"Regarding the 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, Finland's position is abstention, due to the risks it contains for reduced ownership transparency in Finland and we want therefore to record the following declaration:

Openness and transparency is a crucial objective for financial markets. Finland wants to retain its current 100% transparency regarding domestic ownerships in Finnish listed companies and cannot therefore support the Regulation which may endanger this transparency. Finland emphasizes the need to improve the level of available shareholder information across EU and urges including this in the preparation of EU securities law legislation (SLL) and amendment of the shareholders' rights directive (SHRD)."

The Council Legal Service made the following intervention for the same item (CSDs Regulation) :

"The proposed wording of Article 38(5), second sub-paragraph provides for a derogation from the general regime, which is both unlimited in time and without an objective justification. The proposed derogation is especially problematic in the case of a Regulation. While there are instances where the Union legislator has allowed certain flexibility by deferring to relevant national law, all these exceptions were equally applicable to all parties concerned. In contrast, by introducing a specific cut-off date as proposed, the persons and entities concerned by the exception in the second sub-paragraph of paragraph 5 would be a closed group, composed of clearly identifiable Member States, legal and natural persons. In addition, as a result of this provision, the CSD Regulation would mandate the application of stricter rules towards one part of the EU legal and natural persons, and might thus be interpreted as discriminatory.

On this basis, the Council Legal Service is of the opinion that the proposed second sub-paragraph in Article 38(5) of the CSD Regulation is not compatible with the Treaties and, as such, cannot be relied upon and might be declared unenforceable in subsequent legal proceedings. More specifically, this would mean that a person covered by this exception could still require to benefit from the choice offered by paragraph 5, first sub-paragraph, and the Member State concerned would not be able to oppose to this person its national legislation."

DE made a statement on the following item :

45. Proposal for a Council Decision authorising Member States to ratify, in the interests of the European Union, the Arms Trade Treaty

– **Adoption**

6768/14 COARM 26 CODUN 12 PESC 168 COMER 65

12178/13 COARM 113 CODUN 36 PESC 853 COMER 169

+ COR 1 (pl)

"Today's Council Decision states that: "With respect to those matters falling under the exclusive competence of the Union, Member States are hereby authorised to ratify the Arms Trade Treaty in the interests of the Union." The Federal Republic of Germany endorses the ratification of the Treaty by the Member States, also in the interests of the Union, and supports the appeal to the Member States to do so.

Nevertheless, the Federal Republic of Germany has doubts as to whether the Decision can be based on Article 218 (6) TFEU and Article 207 (3) TFEU, which refers to Article 218 TFEU. According to the text of Article 218 (1) TFEU, the procedure for concluding agreements in Article 218 TFEU only applies to "agreements between the Union and third countries or international organisations". Analogous application of Article 218 TFEU to the agreements of the Member States is precluded given the principle of conferral enshrined in Article 5 (2) TEU.

The Federal Republic of Germany's cooperation in adopting this Decision is thus without prejudice to its legal position on the interpretation of Article 218 TFEU."

Coreper Part 1

II

- 10. 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
 - **(poss.) Analysis of the final compromise text with a view to agreement**

The Committee was informed of the major results of the final trilogue on 27 February 2014. It was agreed that the analysis of the final compromise text would be moved to 5 March 2014.

- 11. 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)**
- **Preparation for the informal trilogue**
6645/14 ENV 155 AVIATION 49 MI 179 IND 63 ENER 69 CODEC 455

The Committee considered the Presidency compromise suggestions set out in 6645/14 and gave the Presidency a mandate for negotiating with the European Parliament at the second (and last) informal trilogue foreseen on 4 March 2014, with a view to a first-reading agreement on the file.

- 12. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 24 March 2013**
(For the items in the remit of the Permanent Representatives Committee)

The Committee agreed on the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 24 March 2014 as set out in 7668/14.

13. 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**
 - **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
6722/14 RECH 79 COMPET 123 IND 69 MI 188 TELECOM 54 SOC 145
SAN 83 CODEC 481
+ ADD 1-5

The Committee took note of the information provided by the Presidency and endorsed the compromise package as set out in 6722/14 and its addenda and mandated the Presidency to inform the European Parliament of its endorsement.

14. 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)

- **Analysis of the final compromise text with a view to agreement**
6601/14 CULT 22 MI 172 ENFOPOL 38 ENFOCUSTOM 24 UD 48 CODEC 445

The Committee approved the final compromise text on the abovementioned proposal and agreed to forward the text together with a letter confirming this approval to the Chair of the Parliament's CULT Committee, with a view to reaching a first reading agreement.

15. 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 informed the Committee of the successful conclusion of negotiations with the EP at the 4th trilogue on 25 February 2014. The provisional agreement reached is in line with the mandate given on 19 February 2014, notably as regards the timeline, relying party and liability, website authentication and electronic documents: it will be considered by the Committee on 28 February 2014 with a view to its confirmation.

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

6862/14 TELECOM 59 MI 208 DATAPROTECT 35 EJUSTICE 21 CODEC 546

The Committee endorsed the outcome of the 4th and last trilogue which took place on 25 February 2014, as set out in 6862/14 and took note of the intention of the Dutch delegation to table a statement for the minutes of the Council which will adopt the Regulation. This allowed the Chair of the Committee to sign the usual letter of confirmation to the European Parliament.

16. 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)

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

The Chair informed the Committee of the successful conclusion of negotiations with the EP at the 2nd trilogue on 24 February 2014. The provisional agreement reached is in line with the mandate given on 19 February 2014, notably as regards the overall time frame to implement measures under the Directive, fees for the information points and dispute settlement bodies, the nature of decisions by dispute settlement bodies, and property right-related issues: it will be considered by the Committee on 28 February 2014 with a view to its confirmation.

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

6864/14 TELECOM 60 COMPET 133 CODEC 547

The Committee endorsed the outcome of the 2nd and last trilogue which took place on 24 February 2014, as set out in 6864/14 + COR 1 and took note of the intention of the German and Latvian delegations to table statements for the minutes of the Council which will adopt the Directive. This allowed the Chair of the Committee to sign the usual letter of confirmation to the European Parliament.

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

– Preparation for the informal trilogue

6159/1/14 MAR 18 FIN 101 CODEC 317 ENV 112 REV 1

The Committee examined the text and gave the Presidency a mandate to conduct negotiations with the European Parliament at the fourth informal trilogue on 5 March 2014.

18. Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 14 March 2014

The Committee agreed on the provisional agenda for the next TTE Council meeting as set out in 7335/14.

**19. 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 agreed on a revised Presidency's negotiating mandate seeking an agreement with the EP along the following lines:

- 2011 - 0% adjustment of remuneration and pensions
- 2012 - the figure of the adjustment should be budget neutral and as close as possible to zero (1.2% and 0.9% were rejected, while for some delegations counted in the qualified majority for the revised Presidency's mandate, a figure of 0.8% might not be sufficiently close to zero).

Furthermore, an elaboration of the Commission's statement was requested by some delegations as an essential condition for concluding negotiations, including an undertaking that the Commission should cease all its legal actions against the Council.

The Committee agreed to requesting the opinions of the European Court of Justice and of the Court of Auditors on the Commission proposals adopted in December 2013.

20. Proposal for a Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

6649/14 TRANS 69 AVIATION 50 MAR 25 ENER 70 ENV 157 IND 64
RECH 76 CAB 5 CODEC 458

The Committee examined the text and gave the Presidency a broad mandate to conduct negotiations with the European Parliament at the informal trilogue on 5 March 2014.

21. Proposal for a Decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

11159/13 TRANS 338 CODEC 1516
6717/14 TRANS 73 CODEC 478

The Committee examined the text and gave the Presidency a broad mandate to conduct negotiations with the European Parliament at the informal trilogue on 5 March 2014.

22. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

13716/13 TRANS 474 MAR 132 CODEC 2034
6718/14 TRANS 74 MAR 29 CODEC 479

The Committee examined the text and gave the Presidency a broad mandate to conduct negotiations with the European Parliament at the informal trilogue on 4 March 2014.

23. 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**

6430/2/14 DRS 22 COMPET 106 ECOFIN 139 SOC 113 CODEC 396 REV 2

The Committee approved the text of the final compromise as set out in 6430/2/14 REV 2, as amended by the Room document with regard to Recitals (1) and (11). The Committee agreed that a letter is sent to the European Parliament with a view to reaching an agreement at first reading (Procedural decision according to Art. 19 (7) (k) of the Council's Rules of Procedure).

FR, NL indicated that they would make a statement to the minutes of the Council at the formal adoption. The Commission indicated its intention to do likewise.

- 24. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency debriefed the Committee on the outcome of the second informal trilogue that could not reach full agreement, in particular on Article 6 of the proposal. The Presidency will pursue negotiations with the European Parliament in order to reach a rapid agreement on the basis of the mandate provided on 19 February 2014 by the Committee.

- 25. Proposal for a Regulation of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
6345/14 ENV 124 AGRI 92 PECHE 66 FORETS 17 RECH 59 UD 36
COMER 46 REGIO 18 TRANS 51 SAN 66 CODEC 362

The Committee agreed, subject to some adjustments in the text of the third column of document 6345/14, to give the Presidency a mandate for the second informal trilogue to be held on 5 March 2014 in the framework of negotiations with the European Parliament to reach an agreement in first reading on the above-mentioned proposal.

- 26. Proposal for a Regulation of the European Parliament and of the Council on the protection of species of wild fauna and flora by regulating trade therein (Recast) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
6542/14 ENV 146 PECHE 73 WTO 65 CODEC 430

The Committee considered the Presidency compromise suggestions set out in 6542/14 and, having agreed some additional changes, gave a mandate to the Presidency to present the Council's position to the European Parliament at the informal trilogue foreseen on 5 March 2014.

27. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
6639/14 ENV 152 MI 178 RELEX 137 CODEC 453

The Committee agreed, with some adjustments, on a revised mandate to the Presidency for the second and possibly final informal trilogue meeting on the basis of the draft Council position as contained in the third column of the table in the Annex to document 6639/14 in the framework of negotiations with the European Parliament to reach an agreement at first reading on the above-mentioned proposal.

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

- 1. Proposal for a Council Decision on a Tripartite Social Summit for Growth and Employment (*Legislative deliberation*)**
 - **Agreement in principle**
6715/14 SOC 140

The Committee agreed to recommend the Council to reach an agreement in principle on the draft Decision as set out in 5820/14.

- 2. Proposal for a Council Recommendation on a Quality Framework for Traineeships (*Non-legislative activity*)**
 - **Adoption**
(Public debate in accordance with Article 8 (2) of the Council's Rules of Procedure)
6719/14 SOC 141 EMPL 30 ECOFIN 167 EDUC 68 JEUN 35

UK maintained its reservation and parliamentary scrutiny reservation on the draft Recommendation, stating that it would not be in a position to support the text.

NL maintained its parliamentary scrutiny reservation and MT its general scrutiny reservation.

FI, while accepting the Recommendation, considered some of the language of the Recommendation too binding and made an oral statement.

The results of the Committee's deliberations can be found in 7029/1/14 REV 1.

- 3. European Semester 2014: Contribution to the European Council (20-21 March 2014) (Non-legislative activity)**
- **Policy debate**
(Public debate in accordance with Article 8 (2) of the Council's Rules of Procedure)
6585/14 SOC 126 EMPL 24 ECOFIN 151 EDUC 57 POLGEN 23
 - a) **The 2014 Annual Growth Survey and Joint Employment Report: political guidance on employment and social policies**
 - i) **Draft Council conclusions**
 - ii) **Draft Joint Employment report**
 - **Adoption**
6610/14 SOC 131 EMPL 27 ECOFIN 154 EDUC 60
6581/14 SOC 125 EMPL 23 ECOFIN 150 EDUC 56 JEUN 33
 - b) **Social situation in the EU**
 - i) **Report of the Social Protection Committee**
 - ii) **Draft Council conclusions**
 - **Adoption**
6663/14 SOC 137
6608/14 SOC 130
 - c) **Proposal for a Council Decision on Guidelines for the Employment Policies of the Member States**
 - **General approach**
6612/14 SOC 132 ECOFIN 155 EMPL 28 EDUC 61

The Committee recommended the Council

- to have a policy debate on the basis of the submitted documents and the Presidency background note 6585/1/14 REV 1 + COR1;
- to adopt the draft conclusions set out in 6610/1/14 REV 1;
DE entered a reservation on the 4th bullet point of page 8 and on the second bullet point of page 9 of these draft conclusions;
- to adopt the Joint Employment Report set out in 6581/14 + COR1,2,3;
- to forward to the Council for information the report contained in document 6663/14;
- to adopt the draft conclusions set out in 6608/1/14 REV 1;
DE entered a reservation on point 1 and on point A.2 (chapeau) of page 2 of these draft conclusions;
- to reach a general approach on the Decision on Guidelines for the Employment Policies of Member States contained in document 6612/14.

4. **Europe 2020 Strategy: Stocktaking (*Non-legislative activity*)**
Communication from the Commission on "The EU 2020 Headline Targets"
- **Presentation by the Commission**
 - **Exchange of views**
(Public debate in accordance with Article 8 (2) of the Council's Rules of Procedure)

The Committee recommended the Council to have a policy debate on the basis of the presentation by the Commission and on the Presidency background note 6773/14.

29. **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)**
- **Preparation for the informal trilogue**
6825/14 DENLEG 47 AGRI 137 SAN 92 ENV 176 CODEC 526

The Committee agreed the mandate to the Presidency for the second trilogue based on the compromise text set out in the fourth column of the table in the Annex to the note 6825/14.

Coreper Part 2

II

50. Follow-up to the Council meeting (Foreign Affairs) on 20 February 2014

Following presentations by the European External Action Service and the Commission on the situation in Ukraine and the ongoing work on the financial assistance package, the Committee had an exchange of views on the follow-up to the 20 February 2014 Council discussion and the adopted Council conclusions on Ukraine (doc. 6761/14). It was agreed that the Committee would receive regular updates on developments in Ukraine, the envisaged activities of the EU and the financial package.

51. Presentation of the agenda of the Council meeting (Foreign Affairs) on 17 March 2014

The EEAS presented the agenda of the upcoming Foreign Affairs Council.

The Council would start at 9:30 and end at lunch (discussion on Energy Diplomacy).

Possible items: Eastern Partnership/Ukraine; Bosnia Herzegovina; MEPP Syria and the regional context; preparation for the EU-Africa Summit.

52. Presentation of the agenda of the Council meeting (General Affairs) on 18 March 2014

The Committee took note of the agenda of the March General Affairs Council, which includes the preparations of the European Council on 20/21 March 2014 and the Synthesis report on the 2014 European Semester.

53. Preparation of the European Council on 20/21 March 2014

- **Draft guidelines for conclusions**
5156/14 CO EUR-PREP 2

The Committee discussed the draft guidelines for the conclusions of the March European Council. Main points discussed were in the field of the growth, competitiveness and jobs (European Semester, industrial competitiveness, climate and energy), and in the field of External relations. In the light of the comments made by delegations, the draft European Council conclusions would be drawn up and presented to the Committee on 12 March 2014.

54. Preparation of the Council meeting (Economic and Financial Affairs) on 11 March 2014

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

- There were only a couple of changes to the March ECOFIN agenda since the previous week's Committee.
- At the breakfast, like last year, the Commission will briefly present its Communication on the in-depth reviews to be adopted the same week.
- On the savings taxation item, there might be a vote at Council, so an asterisk (*) will be added to the agenda.
- The Special meeting of Ministers on the Intergovernmental Agreement on the Single Resolution Fund on Monday 10 March 2014 will start at 19:00 (not at 18:00 as previously announced).

55. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (First reading)

6852/14 FIN 141 CODEC 542

The Committee endorsed, on the basis of a proposal from the Presidency, the mandate to start negotiations with the European Parliament concerning the proposal for the revision of Article 13 of the Financial Regulation following the agreement on the multiannual financial framework (MFF) for the years 2014-2020.

56. Draft Council Decision on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other

6899/14 GROENLAND 1 COEST 52 PTOM 10 PECHE 92 FIN 145 ENV 185
EEE 7 CADREFIN 36

The Committee took note of the positions expressed by the Danish delegation and by the Commission regarding the indicative financial reference amount for the Greenland instrument. The Committee agreed to return to this issue at its next meeting.

57. Initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden for a Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL) (First reading)

- **Preparation of informal trilogues**
6720/14 ENFOPOL 44 CODEC 480

The Committee was invited to confirm the Presidency's compromise proposals on the draft Regulation relating to the relocation of CEPOL from Bramshill (UK) to Budapest (HU). The Commission recalled its negative opinion on the draft Regulation and announced that it would make a statement at the time of its adoption on its possible adverse budgetary effects. The UK delegation asked for a further modification in recital (2) relating to the budget of CEPOL but was not supported by other delegations. The Committee therefore confirmed the compromise proposals as set out in 6720/14 and the mandate for the Presidency to engage in the informal trilogues with the EP the following week, with a view to concluding this file.

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

- a) **Proposal for a Regulation of the European Parliament and of the Council creating a European Account Preservation Order to facilitate cross border debt recovery in civil and commercial matters (First reading)**
 - **Information from the Presidency**

The Committee was informed that, at the JHA Council on 3-4 March 2014, the Presidency will inform Ministers about the agreement reached with the EP (doc. 6215/14).

- b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (First reading)**
 - **Information from the Presidency**

The Committee was informed that, at the JHA Council on 3-4 March 2014, the Presidency will inform Ministers about the agreement reached with the EP (doc. 5870/14).

- c) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings (First reading)**
– **Information from the Presidency**

The Committee was informed that, at the JHA Council on 3-4 March 2014, the Presidency will inform Ministers about the state of play of the discussions on the proposal on Insolvency proceedings.

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

The Presidency concluded that the third question suggested by the Commission will be added to document 6490/14, for which a revised version will be issued.

- e) **Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings (First reading)**
– **Orientation debate**
6403/14 DROIPEN 19 COPEN 50 CODEC 382

The Committee agreed to submit document 6403/13 to the Council so as to allow it to hold an orientation debate on the proposal for a Directive.

- f) **Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (First reading)**
– **Orientation debate on certain issues**
6762/14 DATAPROTECT 30 JAI 102 MI 191 DRS 26 DAPIX 25 FREMP 28
COMIX 110 CODEC 503

Following a lengthy debate during which many delegations pleaded for a rewording of the questions and indicated that they were not willing to ask the Council for a partial general approach on any part of the legal text, the Presidency emphasised that it was seeking a political orientation debate at the Council.

It also announced that it would endeavour to address the concerns expressed by delegations and that technical work would have to continue after the Council meeting. The Chair also indicated that the Presidency would provide, as soon as possible after the Council, information on how it intends to proceed further in relation to this file.

g) Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (First reading)

– **State of play**

6799/14 DATAPROTECT 32 JAI 108 DAPIX 28 FREMP 31 COMIX 113
CODEC 514

The Committee was informed by the Presidency that the Mixed Committee had heard the state of play on the above proposal. The note (doc. 6799/14) will be forwarded to the March JHA Council for information.

h) Other items in connection with the Council meeting

The Presidency informed the Committee about the lunch topics both for Home and Justice. Two discussion papers have been drafted by the Presidency. The Committee took note that the Commission will inform only the Council about the Justice Scoreboard to be published later in March.

60. 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 final compromise text with a view to agreement**

6795/14 MIGR 24 SOC 151 DRS 28 CODEC 512 WTO 77 SERVICES 19

Following the presentation of the text agreed ad referendum with the EP rapporteurs, the Presidency noted that there was sufficient support for the compromise text on the Intra-corporate transferee Directive as set out in the annex to document 6795/14 + COR 1. In order to deal with some specific concerns expressed by some delegations, the Council Legal Service made the following statement:

"Recital 23 of this Directive specifies that "bilateral agreements or national legislation on social security rights of intra-corporate transferees which are adopted after its entry into force of this Directive should not provide for less favourable treatment than the treatment granted to nationals of the Member States where the work is carried out".

It further specifies in a second sentence that "*as a result of such agreements or national legislation, it may be, for example, in the interest of the intra-corporate transferees to remain affiliated to the social security system of their country of origin if interruption of this affiliation would adversely affect their rights or would result in bearing the costs of double coverage.*"

The Council Legal Service is of the view that the second sentence is a clarification of the first sentence and that the application of the legislation of the country of origin may constitute a more favourable provision as referred to in this Directive.

Four delegations (AT, ES, HU and PL) indicated they were not in a position to support the above compromise text.

The HU delegation made the following statement:

"Hungary expresses its serious disappointment regarding the adopted text in Article 14(2) and Recital (23) since it precludes the practical applicability of bilateral social security agreements and limits Member States in their competence when concluding such agreements.

Based on the Treaties social security policy belongs to the competence of Member States. We believe that the purpose of all secondary legislation should respect this. The aim of equal treatment harmonisation is to be interpreted in light of the competence rules of the Treaties.

This Directive cannot restrict, nor impair the sovereignty of Member States in this area.

In addition in our view the reference to more favourable provisions in bilateral social security agreements is ambiguous, and thus does not ensure legal certainty. Finally Hungary regrets that the compromise text adopted could create a situation with significant negative impact on the investment readiness in certain economic relations. This may harm economic recovery, could hinder the stimulation of growth and the enhancement of competitiveness, which is a common priority for the EU."

Other delegations also expressed their intention to make statements on this issue to be inscribed in the minutes of the Council meeting, which will formally adopt the above Directive.

As a conclusion, the Presidency indicated it will send a letter to the Chairs of the LIBE and the EMPL Committees informing them that the Council is in a position to approve this text if the European Parliament adopts it, subject to its revision by the lawyer-linguists.

– **Any other business**

- **Regulation No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU**
Appointment of the TEN-T coordinators
 - **Information from the Commission**

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

- **HLGOR**

The President informed the Committee about the content of the meeting of the Presidents of the European Parliament, the Council and the Commission with Mr Monti concerning the High-level group on Own Resources which took place on 25 February 2014 in Strasbourg.
