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European Union

**Brussels, 15 April 2015
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7661/15

CRS/CRP 13

SUMMARY RECORD

Subject: 2536th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 1 April 2015

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Fiscal consolidation and structural reforms
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– Proposal for transfer of appropriations No DEC 11/2015 within Section III - Commission - of the general budget for 2015
18. Proposal for a Regulation of the European Parliament and of the Council on interchange fees for card-based payment transactions (First reading)
19. Proposal for a Regulation of the European Parliament and of the Council on European Long-term Investment Funds (First reading)
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23. Proposal for a Regulation of the European Parliament and of the Council on the import into the Union of agricultural products originating in Turkey (codification) (First reading)
24. Proposal for a Regulation of the European Parliament and of the Council opening and providing for the administration of certain Union tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues (codification) (First reading)
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– Definition of the position that the European Union will adopt during the Sixth Session of the EU-Chile Association Council

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31.
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32.
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1. Adoption of the provisional agenda and "I" items

doc. 7621/15 OJ/CRP1 13 + COR 1
7622/15 OJ/CRP2 13 + COR 1

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

The following items are **withdrawn** :

(Coreper Part 1, under I)

8. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (First reading) (Legislative deliberation)

– **Political agreement**

7506/15 UD 53 AGRI 155 ENFOCUSTOM 22 CODEC 412

7565/15 UD 55 AGRI 160 ENFOCUSTOM 23 CODEC 423

(Coreper Part 2, under I)

29. Proposal for a Council Directive on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries

– **Adoption**

7608/15 COCON 7 PESC 339 COTRA 4

7228/15 COCON 6 PESC 290 COTRA 3

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

DE, supported by BE, PL, SE, SI, made a statement on the following item:

3. Draft Rules of Procedure of the Memorandum of Understanding on the conservation of migratory sharks

- **Endorsement of the contribution of the Union and its Member States to the inter-sessional drafting working group**

7527/15 PECHE 106 ENV 185

+ ADD 1

7528/15 PECHE 107 ENV 186

"The Memorandum of Understanding for the conservation of migratory sharks (Shark MoU) adopted under the Convention on Migratory Species (CMS) is not a matter of exclusive but of shared competence. First, the Sharks MoU is a soft law instrument under the legally binding CMS and it is implementing the duties of its Article IV ff. As an implementing instrument of the CMS which has a clear conservation objective, it addresses issues of environmental protection under Article 191 of the TFEU and to that extent falls under the shared competence of Article 4 e) of the Treaty on the Functioning of the EU (TFEU).

Second, contrary to the argument of the Commission, the instrument does not fall under the list of exclusive competences in the TFEU. Both the objective and the measures of the Shark MoU clearly go beyond the conservation of sharks as marine biological resources under the Common Fisheries Policy. The Sharks MoU addresses a large variety of nature and species conservation issues, which is also reflected in the different tasks described in its Action Plan.

Against this background, we like to re-iterate that the Sharks MoU is a matter of shared competence of the Union and the Member States and that it is inadequate for the Commission to state a Union's exclusive competence.

The Commission tried already during previous Conferences of Parties of CMS in Rome and Bergen and the first Sharks Meeting of Signatories in Bonn and its preparation in Manila in vain to exclude member states from their shared competence. However, this MoU was first signed by the EU Presidency and afterwards by the Commission and by an increasing number of EU member states too.

Therefore we take note of the statement of the Commission but as in the past we do not share it. This issue remains a shared competence in the field of environment policy."

Coreper Part 1

II

9. **Fourth Railway Package (First reading) (Legislative deliberation)**
- a) **Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004**
 - b) **Proposal for a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast)**
 - c) **Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast)**
 - **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 31 March 2015, bearing in mind that a detailed debriefing would also be provided at working party level.

10. **Proposal for a Decision of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome for the informal trilogue**

The Committee took note of the results of the first informal trilogue with the EP on the above-mentioned proposal, held in Brussels on 30 March 2015.

11. **Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (ILUC Directive) (Second reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**
7547/15 CLIMA 35 ENER 110 ENV 190 ENT 51 TRANS 112 AGRI 159
POLGEN 48 CODEC 420

The Committee agreed to a revised final compromise text which was sent to the European Parliament, for their consideration as the final compromise offer from the Council.

**12. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 20 April 2015
(For the items in the remit of the Permanent Representative Committee)**

The Committee agreed on the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 20 April 2015 as set out in 7882/15.

**13. Management Board of the European Food Safety Authority
Draft Council Decision appointing one member**

– Adoption

7296/15 AGRILEG 56 MI 172 DENLEG 39 SAN 75 CONSOM 53 RECH 82

The Committee has endorsed the name of the candidate proposed to become the new member of the EFSA Management Board and has invited the Council to adopt, as an "A" item of the agenda of the next "Agriculture and Fisheries" Council, the Decision to appoint that candidate.

14. Proposal for a Regulation of the European Parliament and of the Council on Animal Health (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 third trilogue on Animal Health Law.

15. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 1 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (First reading) (Legislative deliberation)

– Presidency debriefing on the outcome of the informal trilogue

The Presidency informed the Committee about the successful conclusion of informal trilogues with the European Parliament in the second meeting on 26 March 2015. The final compromise is based on the revised mandate of 18 March 2015. The Commission supported the final compromise, but noted that for the transitional management by Member States of derogations concerning conservation measures for red coral, it would have preferred an explicit expiry date.

Coreper Part 2

II

34. EU-Ukraine Summit (Kyiv, 27 April 2015)

– **Orientation debate**

7487/15 COEST 106 PESC 324

RESTREINT UE

The Committee held an orientation debate on the preparation of the EU-Ukraine Summit to be held in Kyiv on 27 April 2015 on the basis of the Orientation note prepared by the European External Action Service (doc. 7487/15).

35. EU-Japan Summit

– **Orientation debate**

7589/15 COASI 37 ASIE 11 PESC 338 CSDP/PSDC 173 RELEX 266
POLGEN 50 DEVGEN 40 CONOP 26 WTO 77 ECOFIN 227
ENER 114 COMPET 136 RECH 88 JAI 198 CYBER 24

The Committee held an orientation debate on the preparation of the 22nd EU-Japan Summit on the basis of document 7589/15.

The discussion provided input and orientations for the draft Summit Agenda and for the negotiations of the draft Summit Joint Press Statement with focus on continuing progress in the negotiations of the Strategic Partnership Agreement and the Free Trade Agreement as well as enhancing cooperation on regional and global issues.

36. Presentation of the agenda for the Council meeting (Foreign Affairs) on 20 April 2015

The Committee took note of a presentation by the European External Action Service of the provisional agenda of the Council meeting (Foreign Affairs) to be held on 20 April 2015.

The main discussion items foreseen are Latin America, Libya and the Strategic Review. The EEAS indicated that the following issues would be taken as "A" items: Sahel Regional Action Plan and the EU Position for the 2015 NPT Review Conference.

The following side events would take place in the margins: meeting of Ministers of Foreign Affairs of the Eastern Partnership and the EU-Chile Association Council.

37. Presentation of the agenda for the Council meeting (General Affairs) on 21 April 2015

The Committee took note of the provisional agenda of the General Affairs Council on 21 April 2015. The main discussion item foreseen is the Interinstitutional Agreement. The lunch topic will be confirmed at a later stage.
