



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 April 2013

8305/13

CRS/CRP 13

SUMMARY RECORD

**Subject : 2447th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 10 April 2013**

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

doc. 8199/13 OJ/CRP1 13
8120/13 OJ/CRP2 13

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

The following item is **withdrawn**:

(Coreper Part 1, under II)

24. (poss.) Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy (First reading) (Legislative deliberation)

- **Analysis of the final compromise text with a view to agreement**
8186/13 ENV 269 SAN 119 CHIMIE 40 AGRILEG 44 CODEC 740

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

The Council Legal Service intervened on the following item :

11. Draft joint statement on efforts to combat illegal, unreported and unregulated (IUU) Fishing

- **Endorsement**
 - 7257/13 PECHE 89
 - + REV 1
 - + ADD 1
 - + ADD 1 REV 1

"With reference to the Commission declaration in ADD 1 to 7257/13, according to which the Council endorsement of the Commission's intention to sign a Joint Statement with Canada on behalf of the EU would not be legally necessary, the Council Legal Service would like to recall for the records its long standing position, as recently set out in document 5707/13, on the correct procedure to be followed for the conclusion with third countries of instruments which are not intended to be legally binding but which contain policy commitments by the EU, such as the Joint Statement with Canada.

The CLS recalls in particular that the representation of the Union and the determination of the policy content of positions to be adopted on behalf of the Union are two separate functions. The determination of the Union's position regarding policy questions dealt with in a non binding Joint Statement with a third party forms part of the Council's policy-making functions as set out in Article 16(1) TEU. Although it is for the Commission to represent that Union position in accordance with Article 17(1) TEU, this does not entitle the Commission to determine its content.

Moreover, independently of the content of such an instrument, the mere fact of deciding to conclude it with a given third country or organisation is also within the competence of the Council, even if the Council has previously, in another context, established the Union's policy in that area.

The Commission may therefore only sign or agree a Joint Statement containing policy commitments by the EU, as the one with Canada, if it has previously obtained the necessary approval by the Council."

AT made a statement on the following item :

45. Ministerial Conference on "A Silk routes Partnership for Migration" (Istanbul, 19 April 2013)

- **Draft Istanbul Declaration**
7601/13 ASIM 19 COASI 41 RELEX 228

"Austria stresses that the dialogue and cooperation on initiatives facilitating circular migration as referred to in par. III d) of the Draft Istanbul Declaration does not oblige individual member states to take part in initiatives that affect the labour market and their right to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed. Therefore this declaration does not anticipate the participation of Austria in such initiatives. "

Coreper Part 1

II

16. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council ("Tachograph") (First reading) (Legislative deliberation)

- **Analysis of two additional Presidency compromise proposals with a view to an overall agreement**

13195/11 TRANS 222 CODEC 1274

7856/13 TRANS 130 CODEC 667

The Committee endorsed two additional compromise proposals with a view to complementing the Presidency's mandate for the negotiation with the European Parliament.

17. Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (First reading) (Legislative deliberation)

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

The Presidency briefed the Committee on the third and fourth trilogues held on 8 and 9 April 2013.

18. Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products (First reading) (Legislative deliberation)

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

The Presidency briefed the Committee on the second trilogue held on 27 March 2013.

19. Horizon 2020

- **Proposal for a Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in "Horizon 2020" - The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)**

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

The Committee has been informed on the outcome of the informal trilogue with the European Parliament on the Horizon 2020 proposals.

20. Horizon 2020

- (a) Proposal for a Regulation of the European Parliament and the Council establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)**
- (b) Proposal for a Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in "Horizon 2020" - The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
7814/13 RECH 83 COMPET 170 IND 84 MI 229 EDUC 95 TELECOM 56 ENER 103
ENV 242 REGIO 49 AGRI 203 TRANS 127 SAN 109 CODEC 661

The Committee took note of the document 7814/13 and gave the Presidency the mandate for the informal trilogue.

- 21. Proposal for a Directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (Accounting Directive) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information by the Presidency on the preliminary agreement reached at the seventh informal trilogue on 9 April 2013 which will be submitted to the Committee for final agreement on 17 April 2013.

- 22. Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee about the successful result of the informal trilogue with the European Parliament, which took place in Brussels on 9 April 2013.

- 23. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC on re-use of public sector information (First reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**
8060/13 TELECOM 62 PI 50 COMPET 180 AUDIO 26 CULT 29 CODEC 707

The Committee could agree to the outcome of the trilogue as set out in document 8060/13, while noting a UK Parliamentary reservation.

25. Proposal for a Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (XXth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (First reading) (Legislative deliberation)

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

8019/13 SOC 204 CODEC 692

+ ADD 1

The Committee approved the final compromise text as set out in 8019/13 ADD 1 and authorised the Chair to send a letter to the EP containing the preliminarily agreed text and a special clause to provide that, should the EP adopt its position at the June 2013 plenary at the latest, the Council would agree with replacing the "3 year period" (for implementation) by the date of 1 July 2016.

With regard to the compromise text on public access to documents under Article 4(1), NL indicated that it would abstain. AT expressed concerns, but could agree with the text in the spirit of compromise. NL and AT entered a joint statement on this issue in the Committee minutes (see below). DK could agree with the compromise text.

DE reiterated its concerns with the weighted peak method as set in the annexes and indicated that it therefore would not vote in favour of the draft Directive.

"Statement by the delegations of Austria and The Netherlands

The Directive on Electromagnetic Fields (EMF) aims at protection of health and safety of workers against the effects of electromagnetic fields. For this purpose, the directive is based on Article 153(2) TFEU, which provides a legal basis for directives laying down minimum requirements in the field of protection of health and safety of employees at the workplace.

There is no objective evidence that Article 4(1) of the directive on EMF defining the employer's obligation to make risk assessments public on request contributes to the objective of protection of health and safety of workers. Therefore, Article 4(1) does not serve the purpose of Article 153(2) TFEU.

To this end, the directive should not contain the provision in Article 4(1)."

Coreper Part 2

II

48. Preparation of the Council meeting (General Affairs) on 22 April 2013

- Other items in connection with the Council meeting

Le Comité a fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session du Conseil Affaires générales du 22 avril 2013.

49. Proposal for a Regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union (*restricted session*)

- Adoption of the revised draft mandate for the Working Party on the Staff Regulations 8153/13 STAT 10 FIN 170

Following discussions in the Committee the final mandate for the Working Party on the Staff Regulations was agreed (doc. 8153/1/13 REV 1).

50. Multiannual Financial Framework (*restricted session*)

The Committee had an exchange of views on the translation of the European Council conclusions of 7-8 February 2013 into the draft Council Regulation laying down the multiannual financial framework for the years 2014-2020 and the draft interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management.

51. Proposed single supervisory mechanism

- a) **Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions**
- b) **Regulation of the European Parliament and of the Council amending Regulation (EC) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) No.../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (First reading)**
8100/13 EF 61 ECOFIN 235 CODEC 737

The Committee examined progress with the file and agreed to consider finalising agreement on the Regulation Proposals at its meeting of 18 April 2013.

52. Relations with the European Parliament (April 2013)

7902/13 PE 151 INST 150 POLGEN 41 CODEC 671

The Committee held a discussion on relations with the European Parliament on the basis of the document 7902/13.

53. 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)

- **General orientations in view of informal trilogues with the European Parliament (Chapters II and IV)**
8106/13 INST 156 PE 156 FIN 168 CODEC 716

The Committee endorsed general orientations on Chapters II and IV of the proposal on the statute and funding of European political parties and European political foundations in view of future informal trilogues with the European Parliament.

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